



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

**AGENDA ITEM NO.: Z-3**  
**AGENDA DATE: Thu 08/26/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0062 - Project Sharky - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 615 and 617 Radam Lane (West Bouldin Creek) from family residence (SF-3) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Property Owner and Applicant: Homayoon Kavoussi (Mehryar Kavoussi). City Staff: Wendy Walsh, 974-7719.

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

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0062

**Z.P.C. DATE:** June 15, 2004  
July 20, 2004

**ADDRESS:** 615 and 617 Radam Lane

**OWNER AND APPLICANT:** Homayoon R. Kavoussi (Mehryar Kavoussi)

**ZONING FROM:** SF-3

**TO:** LR

**AREA:** 0.386 acres (16,817 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. The Conditional Overlay: 1) allows for limited restaurant without drive-in service only and all limited office (LO) uses; 2) establishes an interior side yard of 5 feet and a rear yard of 5 feet.

(The staff recommendation prohibits the following uses: consumer convenience services; consumer repair services; financial services; food sales; general retail sales (convenience); off – site accessory parking; personal services; pet services; service station; guidance services; plant nursery; and custom manufacturing. The following uses are conditional: college or university facilities and private secondary educational facilities.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

June 15, 2004: *POSTPONEMENT REQUEST BY THE APPLICANT TO JULY 20, 2004.*  
[J.M: J.G 2<sup>ND</sup>] (9-0)

July 20, 2004: *APPROVED STAFF'S RECOMMENDATION OF LR-CO ZONING; ONLY ALLOWABLE LR USE BEING LIMITED RESTAURANT WITHOUT DRIVE-IN; AND ALL OTHER LO USES; ESTABLISH SIDE YARD OF 5-FEET AND A REAR YARD OF 5-FEET.*  
[K.J: M.W 2<sup>ND</sup>] (8-0) J.P – ABSENT

### **ISSUES:**

The applicant met with representatives of the Far South Austin Community Association and the Southwood Neighborhood Association, and the owner of the adjacent single family residence to the west. Representatives of associations discussed rezoning the west tract to LR (presently developed with a single family residence) and the east tract to LO (undeveloped), and the President of Southwood has submitted a letter of support for LR and LO zoning tracts. Signatures of support from surrounding property owners and employees of nearby medical offices are also attached.

Staff spoke with the owner of the adjacent single family residence to the west and can confirm that the owner maintains her opposition to the proposed project. Please refer to attached letter at the back of the staff report.

### **DEPARTMENT COMMENTS:**

The subject property consists of two unplatted tracts, one of which is occupied by a vacant, 1,120 square foot single family residence and garage, and the other is undeveloped. Both carry family

residence (SF-3) district zoning and access is taken to Radam Lane, a collector street. There is a hospital, as well as two medical office buildings and a pharmacy located at the intersection of Radam Lane and James Casey Street (zoned PUD; LR; LO) and a fire station and commercial and office uses at Radam Lane and South First Street (CS). The interior properties along Radam Lane consist of six (occupied) single family residences and four undeveloped tracts (SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The property is located within the South Austin Hospital Area Zoning Study prepared in 1982 which recognized the Hospital construction and ancillary development, and the major impact it was having on the surrounding area. As shown in Exhibit B, properties along Radam Lane were recommended for limited office (LO) district zoning in order to avoid piecemeal zoning and minimize the impact on the surrounding neighborhoods.

The applicant proposes to rezone the property to the neighborhood commercial (LR) district with the intention of converting the existing residence and to a sandwich / baked goods / coffee shop (a limited restaurant use, first allowed in LR). The applicant is agreeable to a Conditional Overlay suggested by the staff to allow for limited restaurant use without drive-in service only, and all LO uses.

Staff recommends LR-CO zoning as described above as it provides: 1) a reasonable re-use of the property; 2) a pedestrian-oriented use to serve the surrounding hospital, medical office, commercial and civic uses, and 3) general consistency with the recommendations of the 1982 Hospital Study.

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	One vacant single family residence; One undeveloped tract
<i>North</i>	LO; SF-3; CS	Medical offices; Single family residence; Fire station
<i>South</i>	SF-3; LO	Single family residences; Medical offices; Parking
<i>East</i>	SF-3; CS	Undeveloped; Single family residences; Jewelry store; Office; Auto repair
<i>West</i>	LO; LR	Medical offices; Pharmacy with drive-through

**AREA STUDY:** South Austin Hospital Area Zoning Study (1982)      **TIA:** Is not required

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association      300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowner's Assn.  
 950 – Southwood Neighborhood Association

#### **SCHOOLS:**

St. Elmo Elementary School

Covington Middle School

Crockett High School

**CASE HISTORIES:**

There are no recent case histories on the surrounding properties.

**RELATED CASES:**

There are no related subdivision or site plan cases on the subject property.

**ABUTTING STREETS:**

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Radam Lane	64 feet	40 feet	Collector	N/A

- Capital Metro bus service is available along South First Street (Route #10).
- There are existing sidewalks along the Radam Lane.

**CITY COUNCIL DATE:** August 26, 2004

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

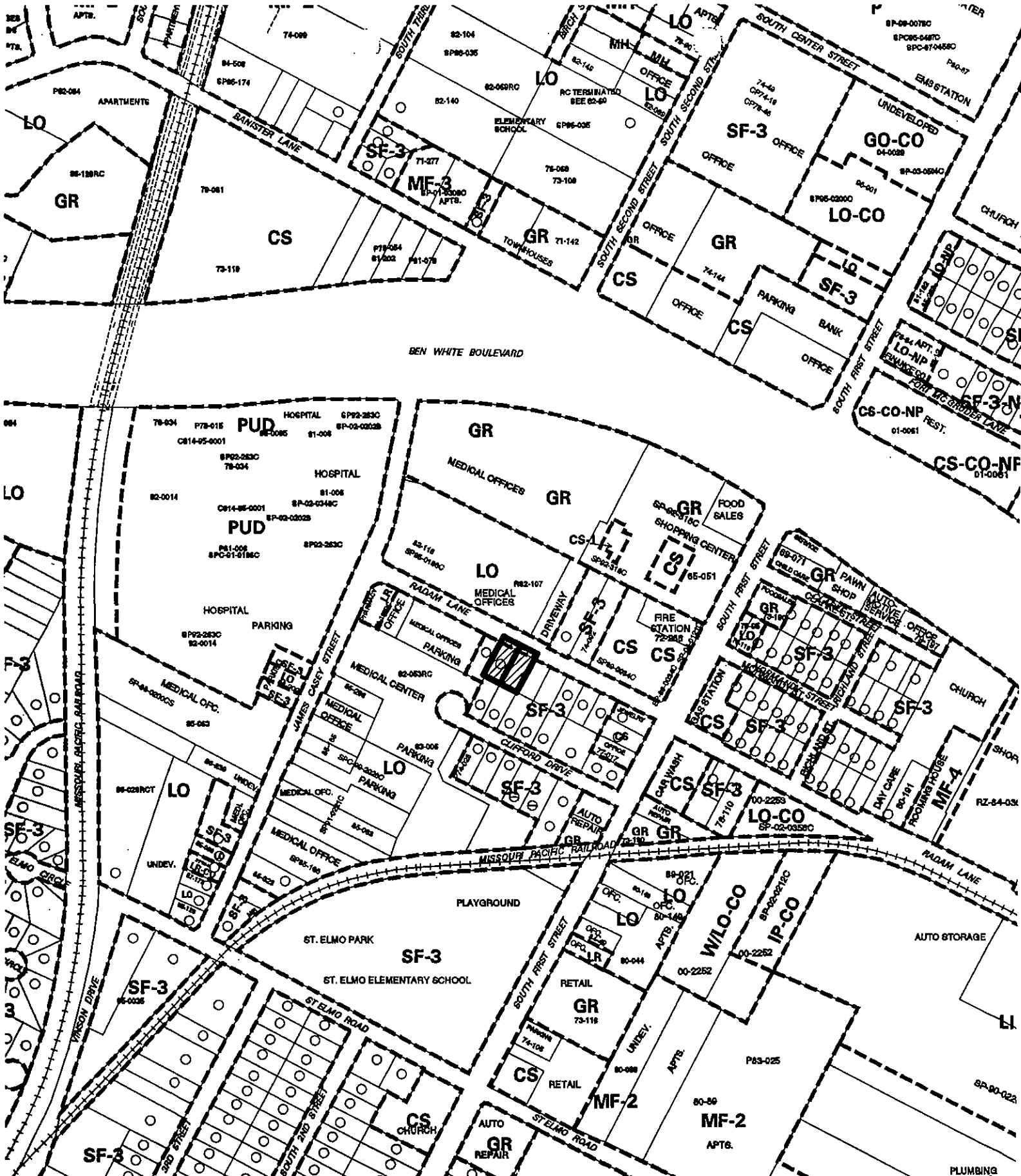
2<sup>nd</sup>





3<sup>rd</sup>

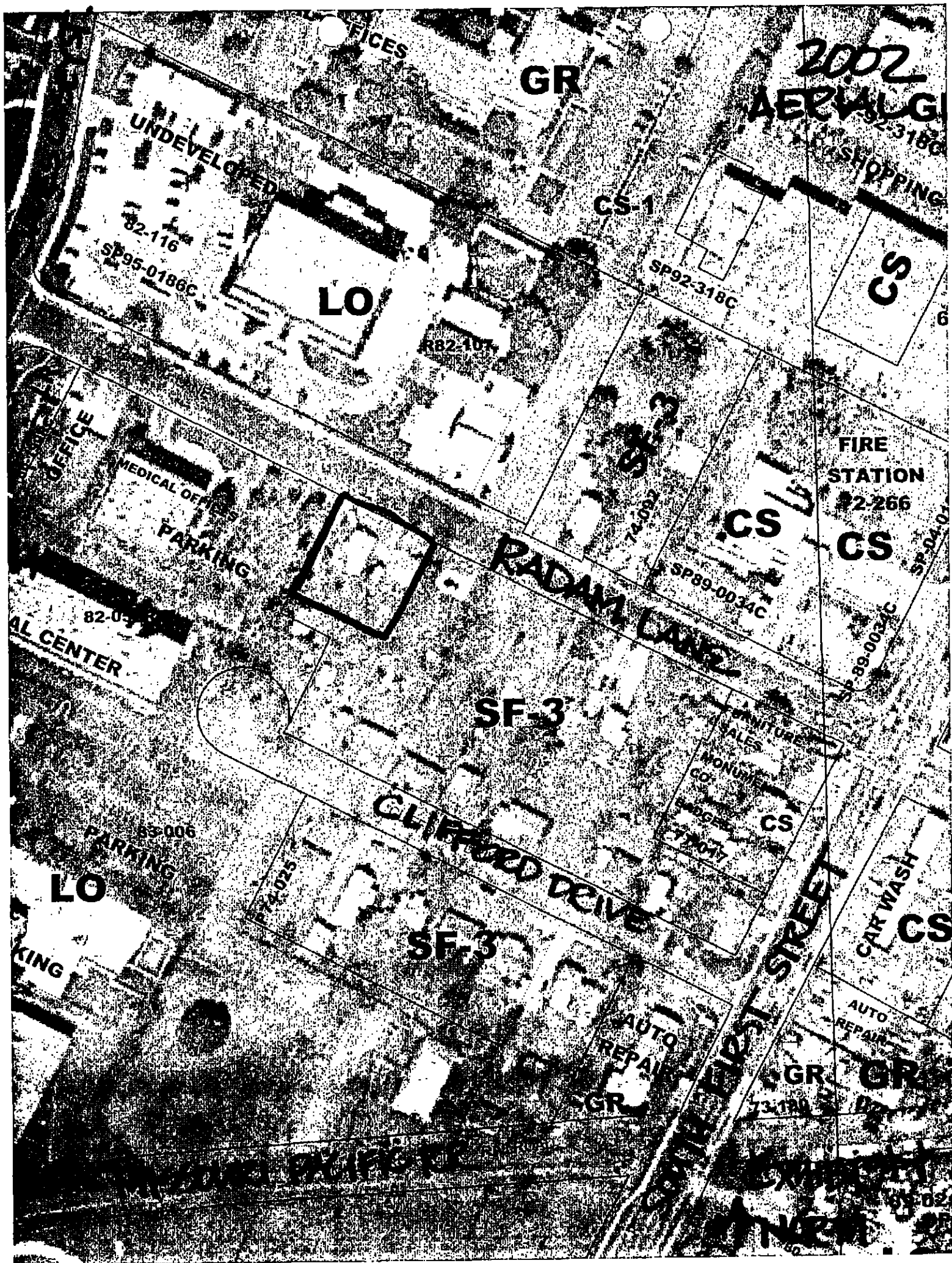
**ORDINANCE NUMBER:**

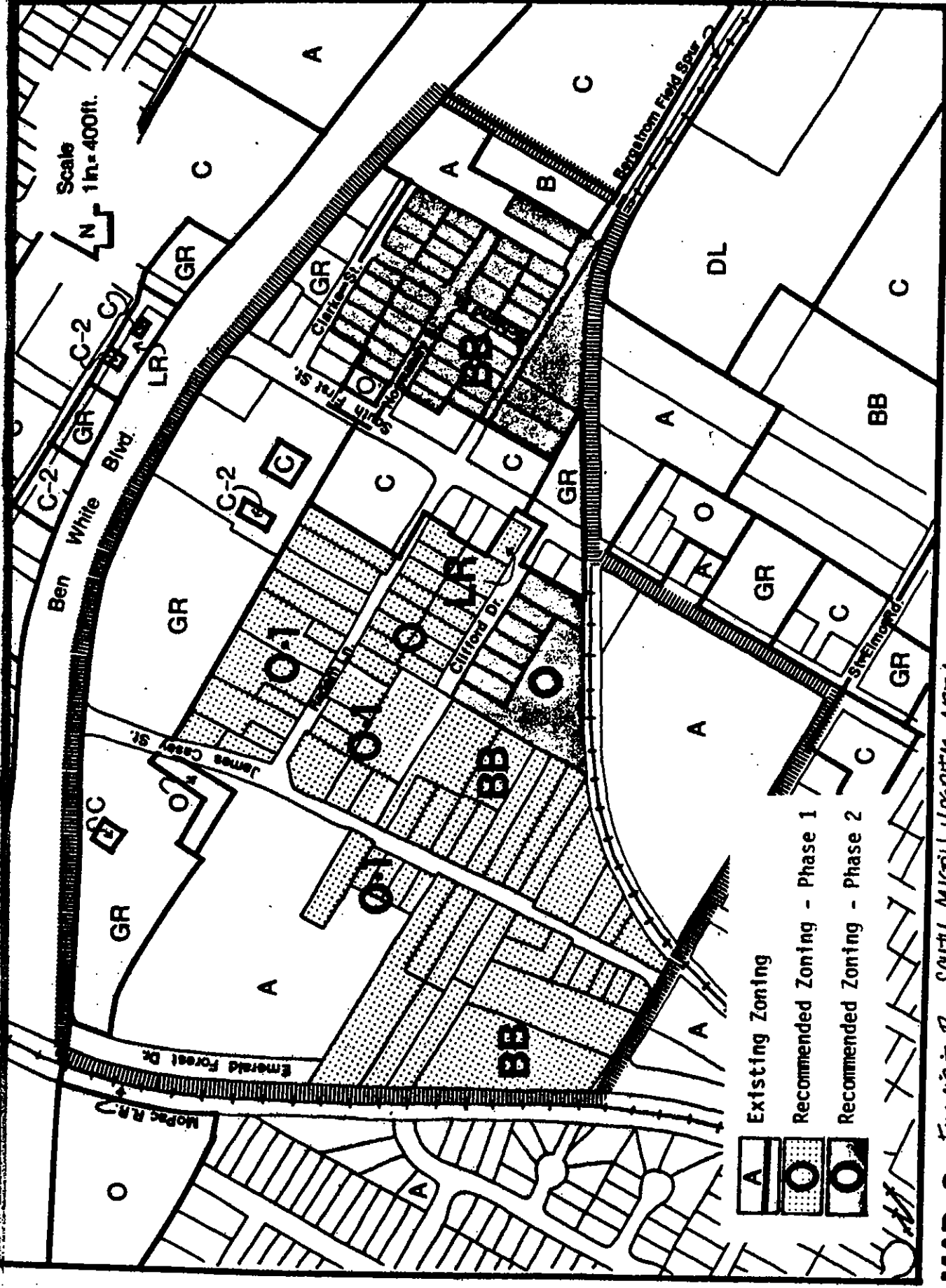
**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719



 1" = 400'	SUBJECT TRACT 	ZONING <b>Exhibit A</b>		CITY GRID REFERENCE NUMBER <b>G18</b>
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: <b>C14-04-0062</b>		DATE: 04-05
	CASE MGR: W. WALSH	ADDRESS: 615 & 617 RADAM LANE SUBJECT AREA (acres): 0.386		INTLS: SM





**MAP 2 EXHIBIT B - SOUTH AUSTIN HOSPITAL AREA**  
**PHASE 2 - RECOMMENDED ZONING**  
 ZONING STUDY

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. The Conditional Overlay: 1) allows for limited restaurant without drive-in service only and all limited office (LO) uses; 2) establishes an interior side yard of 5 feet and a rear yard of 5 feet.

(The staff recommendation prohibits the following uses: consumer convenience services; consumer repair services; financial services; food sales; general retail sales (convenience); off – site accessory parking; personal services; pet services; service station; guidance services; plant nursery; and custom manufacturing. The following uses are conditional: college or university facilities and private secondary educational facilities.

**BACKGROUND**

The subject property consists of two unplatted tracts, one of which is occupied by a vacant, 1,120 square foot single family residence and garage, and the other is undeveloped. Both carry family residence (SF-3) district zoning and access is taken to Radam Lane, a collector street. There is a hospital, as well as two medical office buildings and a pharmacy located at the intersection of Radam Lane and James Casey Street (zoned PUD; LR; LO) and a fire station and commercial and office uses at Radam Lane and South First Street (CS). The interior properties along Radam Lane consist of six (occupied) single family residences and four undeveloped tracts (SF-3).

The property is located within the South Austin Hospital Area Zoning Study prepared in 1982 which recognized the Hospital construction and ancillary development, and the major impact it was having on the surrounding area. Properties along Radam Lane were recommended for limited office (LO) district zoning in order to avoid piecemeal zoning and minimize the impact on the surrounding neighborhoods.

The applicant proposes to rezone the property to the neighborhood commercial (LR) district with the intention of converting the existing residence and to a sandwich / baked goods / coffee shop (a limited restaurant use, first allowed in LR). The applicant is agreeable to a Conditional Overlay suggested by the staff to allow for limited restaurant use without drive-in service only, and all LO uses.

Staff recommends LR-CO zoning as described above as it provides: 1) a reasonable re-use of the property; 2) a pedestrian-oriented use to serve the surrounding hospital, medical office, commercial and civic uses, and 3) general consistency with the recommendations of the 1982 Hospital Study.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services.

The LO, Limited Office district is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.



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

Staff recommends LR-CO zoning as described above as it provides: 1) a reasonable re-use of the property; 2) a pedestrian-oriented use to serve the surrounding hospital, medical office, commercial and civic uses, and 3) general consistency with the recommendations of the 1982 Hospital Study.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site consists of two tracts, one of which is developed with a vacant single family residence and the other is undeveloped. There appear to be no significant topographical constraints on the site.

### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%, which is based on the more restrictive zoning regulations.

### **Environmental**

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. 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.

### **TPSD 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 rezoning 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 1,387 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]

**Water and Wastewater**

The landowner intends to serve the site 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 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 and specifications.

The landowner must pay all associated City water and wastewater utility inspection and plan review fees. The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

**Compatibility Standards**

The site is subject to compatibility standards. Along the west, south and east 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.

TO: 7 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 # C14-04-0062-WW

Zoning & Platting Commission Hearing Date: June 15, 2004

Name (please print)

TED DAKE, JR MD

Address

4207 James Casey St #115  
Austin, TX 78745



I am in favor

(Estoy de acuerdo)



I object

(No estoy de acuerdo)

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 # C14-04-0062-WW

Zoning & Platting Commission Hearing Date: June 15, 2004

Name (please print)

Betty G. (Cowan) Williams

Address

1917 Parkside Ln. AT 78745  
own property at 400 Clifford AT 78745



I am in favor

(Estoy de acuerdo)



I object

(No estoy de acuerdo)

**Linda Villegas  
619 Radam Lane  
Austin, Texas 78745-1173  
(512) 441-5535**

June 14, 2004

Zoning & Platting Commission Assistant Neighborhood  
Planning & Zoning Department  
P.O. Box 1088  
Austin, Texas 78767-8835

RE: File Number: C14-04-0062

To Whom It May Concern:

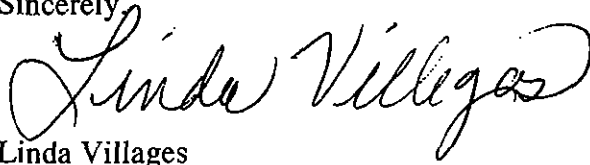
I strongly oppose changes in zoning from SF3-Family Residence district to LR-CO Neighborhood Commercial district be granted.

There are many reasons why I believe the proposed zoning change should not be granted. However, the number one reason is that I am homeowner. More importantly, I believe the rezoning change would affect me the most than my neighbors because my home is next door to the property that Mr. Homayoon R. Kavoussi recently purchased. To come in and put a food establishment, or who knows what else next door to my home is a major concern to me. Not only would this interfere with the enjoyment of my property, but also I am concerned for my grandchildren that I take care of because they often play in the yard. Strangers would be coming and going to this area. I would not have the peace of mind concerning the safety of my family.

Further, placing a business in close proximity to a residential area has the ability to affect the health, safety, welfare and comfort of homeowners. Radam Lane is already affected with heavy traffic and noise due to the hospital and other businesses located in the area. Vehicles often travel at a high rate of speed on Radam Lane. Many times it is risky pulling out of my driveway. Street parking is already congested during the day. It is difficult for my family, friends or visitors to find a curb space in front of my house because people coming and going to the businesses in the area take up the street parking. Adding yet another business in the area would be the ultimate public nuisance. It is for these reasons that I ask that the rezoning change not be granted.

Thank you for your time and attention to this very important matter. If you have any questions or need further information, please contact me at the above address or number.

Sincerely,

A handwritten signature in cursive script that reads "Linda Villages". The signature is fluid and elegant, with the first name "Linda" and last name "Villages" clearly distinguishable.

Linda Villages

Attachment: File form: C14-04-0062-WW



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

## NOTICE OF ZONING & PLATTING 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: May 28, 2004

File Number: C14-04-0062

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE (See Map) 615 and 617 Radam Lane

### PROPOSED ZONING CHANGE:

FROM: SF-3--Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

TO: LR--CO 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. CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

OWNER: Homayoon R. Kavoussi

PHONE: (512) 327-8607

AGENT: Mehryar Kavoussi

PHONE: (512) 423-0641

ZONING & PLATTING COMMISSION HEARING DATE: June 15, 2004

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 Wendy Walsh at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-7719. 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 # C14-04-0062-WW

Zoning & Platting Commission Hearing Date: June 15, 2004

Name (please print)

HERLINDA Villegas

Address

619 Radam Ln. 78745

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

Guadalupe Q. Sosa, President  
 Southwood Neighborhood Association  
 P. O. Box 40205  
 Austin, TX 78704-0004  
 Tel. 512/443-7110

July 19, 2004

Ms. Betty Baker, Chair  
 City of Austin Zoning and Platting Commission  
 One Texas Center  
 505 Barton Springs Rd.  
 Austin, TX 78701

RE: Zoning Request, Case No. C14-04-0062, 615 (and 617) Radam Lane.

Dear Ms. Baker:

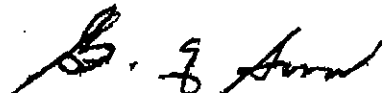
I have met with the applicant and property owner, Ms. Homayoon Kavoussi, to review her plans for the property and the reason for the zoning request change. Ms. Kavoussi has indicated that she plans to open a small sandwich/coffee shop in the existing structure and that she plans to make no changes to the outside of the structure. We discussed with Ms Kavoussi our concerns for added noise and traffic problems, particularly parking on neighborhood streets and live music, which may result.

It is our understanding that Ms Villegas, owner of adjacent property to Ms. Kavoussi's has expressed her opposition to the zoning change. While we understand her concerns, we have decided to support the zoning change with the following conditions:

1. Zoning change to LR only for the lot on which the current structure is standing.
2. Zoning change to LO for the lot adjacent to the property with the structure to enable the business to establish parking facilities for her business.
3. The sandwich/coffee shop business should be operated on the existing structure and on the existing pad and no mobile food vending vehicles.
4. Any future use of the property should be restricted to retail food establishment with no mobile food vending vehicles.
5. Attractive landscaping and wide sidewalk to be implemented in both lots to contribute to the aesthetics of the neighborhood.

We believe this is in keeping with the direction of our neighborhood's goals. As we understand, Ms Kavoussi's desire is to serve the needs of employees and clients of the neighboring hospital and medical offices. That is commendable. It will also provide a coffee shop within walking distance to all the neighborhood residents. We appreciate the effort the applicant has made to ease our concerns and to meet the neighborhood's needs.

Sincerely,



Guadalupe Q. Sosa, President  
 Southwood Neighborhood Assn.

Post-It™ brand fax transmittal memo 7871		# of pages > 1
To: WENDY WALSH	From: LUPA SOSA	
Co: CITY OF AUSTIN	Co: SOUTHWOOD NA	
Dept: ZONING	Phone: 443-7110	
Fax: 974-6054	Fax:	

We are currently in the process of rezoning the property on 617 Radam lane from residential to commercial. The idea has been brought to my attention that a coffee/sandwich shop would be convenient and useful for the medical community. Please indicate if you are in favor of having such an establishment in this area by signing below.

Printed Name	Signature	Address
Ruth Reinhardt	[Signature]	87CC 4101 James Casey
Teress Thornhill	[Signature]	SAC " "
Judy Hall	[Signature]	4101 James Casey
Holly Myers	[Signature]	4101 James Casey Ste 100
Shera LAMB	[Signature]	" "
Antonia Romero	[Signature]	" "
Dana Winslett	[Signature]	4101 James Casey
Nicole Zamora	[Signature]	4101 James Casey, Ste 100
Joan M. Douglas	[Signature]	" "
Scarlett Kayser	[Signature]	" "
Rachel Meyer	[Signature]	" "
John Hollman	[Signature]	" "
Fiza O'Bannon	[Signature]	" "
Angela S. Miller	[Signature]	4101 James Casey Ste 100
Meredith McMin	[Signature]	SAC 4101 James Casey
Mary Brown	[Signature]	4101 James Casey
Mike Thomas	[Signature]	4101 James Casey
Shawna Crowner	[Signature]	SAC 4101 James Casey
Christina Cortez	[Signature]	4101 James Casey



We are currently in the process of rezoning the property on 617 Radam lane from residential to commercial. The idea has been brought to my attention that a coffee/sandwich shop would be convenient and useful for the medical community. Please indicate if you are in favor of having such an establishment in this area by signing below.

Printed Name	Signature	Address
Elena Duarte	Elena Duarte	4101 James Casey St 300
Bernadette Montez	Bernadette Montez	" "
Jessica Franco	Jessica Franco	same as above
Karla Wampler	Karla Wampler	same
Leis Bachus	Leis Bachus	same
Bonny Martinez	Bonny Martinez	same
John J. J. J.	John J. J. J.	621 Radam Lane
DEBRA LAL	Debra Lal	4315 James Casey
Julie Rocha	Julie Rocha	" "
Gene Darte	Gene Darte	4315 James Casey
Maria Cruz	Maria Cruz	4315 James Casey
Kendra Crawford	Kendra Crawford	4315 James Casey
Cristal Lawson	Cristal Lawson	4315 James Casey
Anna Luna	Anna Luna	" " Casey
Li Gonzalez	Li Gonzalez	" " "
Anita Marx	Anita Marx	" " "

IMELDA CALDERON	Imelda Calderon	621 Radam Ln
Dennis Duran	Dennis Duran	621 Radam Ln
Albert Garza	Albert Garza	621 Radam Ln,
Chris Flournoy	Chris Flournoy	621 Radam Ln.
Gabe Kaku	Gabe Kaku	621 Radam Ln.
Krista Hansen	Krista Hansen	621 Radam Ln
Suzanne Buchner	Suzanne Buchner	621 Radam Ln
Sandra Fletcher	Sandra Fletcher	621 Radam Ln
Rosana Roberson	Rosana Roberson	621 Radam Ln
Susan L Vassar	Susan L Vassar	621 Radam Ln.

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Printed Name	Signature	Address
Susanna Roman	Susanna Roman	4207 James Casey Bk. # 306 Austin
Jennifer Ramirez	Jennifer Ramirez	4207 James Casey Suite # 306
Amanda Carter	Amanda Carter	4207 James Casey #306 Austin TX
Lisa Soriano	Lisa Soriano	4207 James Casey #306 Austin, TX 78745
Shelia McLaurin	Shelia McLaurin	4207 James Casey #3 A T 78745
Alyson Bishop	Alyson Bishop	4207 James Casey #306 Austin, TX 78745
Carolyn Latham	Carolyn Latham	4207 James Casey Austin, TX 78745
Peter Proby MD	Peter Proby MD	4207 James Casey
Gayle Garcia	Gayle Garcia	# 315

We are currently in the process of rezoning the property on 617 Radam lane from residential to commercial. The idea has been brought to my attention that a coffee/sandwich shop would be convenient and useful for the medical community. Please indicate if you are in favor of having such an establishment in this area by signing below.

Printed Name

Signature

Address

Mary Beine	Mary Beine	4104 James Casey
Maria Mendez	Maria Mendez	4101 James Casey
Kristi Hall	Kristi Hall	4101 James Casey
Deidre McManis	Deidre McManis	4101 James Casey
SCOTT SCHMIDT	SCOTT SCHMIDT	4101 JAMES CASEY

## **MEMORANDUM**

**TO:** Betty Baker, Chair and Members of the Zoning and Platting Commission

**FROM:** Dora Anguiano, Zoning and Platting Commission Coordinator  
Neighborhood Planning and Zoning Department

**DATE:** August 3, 2004

**SUBJECT:** Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

**CASE # C14-04-0062**

6. C14-04-0062 – PROJECT SHARKY, By: Homayoon R. Kavoussi (Mehryar Kavoussi), 615 and 617 Radam Lane. (West Bouldin Creek). **FROM SF-3 TO LR-CO. RECOMMENDED. City Staff: Wendy Walsh, 974-7719. POSTPONED FROM 6-15 (APPLICANT).**

### SUMMARY

Commissioner Baker – “Let me see if I can get through this one real quick. If you look at the zoning map on Radam Lane, it is basically commercial on South First and as you go toward the hospital, the PUD there to the west, you have some LO zoning. I hate to see the SF-3 zoning change, I realize that it’s probably inevitable, but if you look at the street to the back, or to the south of it, Clifford is still all residential as far as zoning and most NO uses. I really hate to see the LR zoning introduced here. I think we’re going to lose affordable housing stock; but I can reconcile to the request; or I can understand the request that Ms. Edgemond made relative to a sandwich shop here for people going to the hospital or visiting people there; I discussed this with Ms. Edgemond and suggested that perhaps the LR could be LR-CO with the only permitted LR uses to be restaurant limited; and permitted LO uses. I noticed the staff recommendation somewhat follows that, but they got a lot of other uses permitted that would ....I really would think that it would be a cleaner case for LR-CO, with the only permitted LR use being restaurant limited and permitted LO uses. Would the applicant like to respond, please?”

Commissioner Jackson – “Before she begins, the way I read this, it says that they further limited LO uses; and what are you...”

Commissioner Baker – “I’m permitting LO uses because there’s LO zoning all around it”.

Commissioner Jackson – “So you’re not even limiting it?”

Commissioner Baker – “I’m being more generous than the staff is being”.

Commissioner Jackson – “I was being confused”.

Homayoon Kavoussi, applicant – “If I understand correctly you’re recommending LR for the structure building or...”

Commissioner Baker – “It was LR zoning for the site, the entire lot; the only permitted LR use would be restaurant limited and you would have permitted LO uses”.

Ms. Kavoussi – “Okay; sure that would be fine”.

Commissioner Whaley – “There’s a letter from the neighborhood that talks about a portion that does not have a structure on it. Are you proposing LR for that restaurant as well, for that tract or just LO on that tract?”

Commissioner Baker – “It could be on either tract or both”.

Commissioner Donisi – “Under the option that you presented; would there be a possibility of a mobile food vendor?”

Commissioner Baker – “No”.

Ms. Kavoussi – “I agree with the neighborhood letter”.

Commissioner Jackson and Martinez moved to close the public hearing.

Commissioner Jackson – “I make a motion to approve the zoning as LR-CO with the only allowable LR use being limited restaurant without drive-in; and all other LO uses and all the other conditions that staff recommends of establishing a side yard of 5-feet and a rear yard of 5-feet”.

Commissioner Whaley – “I second”.

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**AYES:**

**ABSENT:**

**MOTION CARRIED WITH VOTE: 8-0.**

**JACKSON, WHALEY  
APPROVED STAFF’S  
RECOMMENDATION OF LR-CO  
ZONING; ONLY ALLOWABLE LR  
USE BEING LIMITED RESTAURANT  
WITHOUT DRIVE-IN; AND ALL  
OTHER LO USES; ESTABLISH SIDE  
YARD OF 5-FEET AND A REAR YARD  
OF 5-FEET.  
GOHIL, MARTINEZ, BAKER, DONISI,  
HAMMOND, WHALEY, RABAGO.  
PINNELLI**

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

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 615 AND 617 RADAM LANE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-29.01 of the City Code is amended to change the base district from family residence (SF-3) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-04-0062, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: An 8,388 square foot tract of land, more or less, described as Lot 8, Division D, out of the Estate of James E. Bouldin, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: An 8,429 square foot tract of land, more or less, described as Lot 8, Division D, out of the Estate of James E. Bouldin, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 615 and 617 Radam Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** 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. The following uses are conditional uses of the Property:

College and university facilities

Private secondary educational facilities



3. The following uses are prohibited uses of the Property:

Consumer convenience services  
Financial services  
General retail sales (convenience)  
Personal services  
Service station  
Plant nursery

Consumer repair services  
Food sales  
Off-site accessory parking  
Pet services  
Guidance services  
Custom manufacturing

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

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

**PASSED AND APPROVED**

\_\_\_\_\_, 2004

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

David Allan Smith  
City Attorney

Shirley A. Brown  
City Clerk

**CARSON AND BUSH**  
**PROFESSIONAL SURVEYORS, INC.**  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

August 4, 2003

**TRACT ONE:**

FIELD NOTE DESCRIPTION OF 8,388 SQUARE FEET OF LAND, BEING A PART OF LOT 8, DIVISION "D", OF THE ESTATE OF JAMES E. BOULDIN, DECEASED, AS RECORDED IN BOOK U PAGE 75 OF THE DISTRICT COURT MINUTES OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO STANLEY PERRY BY GENERAL WARRANTY DEED RECORDED IN VOLUME 12632 PAGE 2338 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 5/8" iron pipe found in the South right-of-way line of Radam Lane for the Northwest corner of that certain (4 acre) tract of land as conveyed to C.A. Chally by deed recorded in Volume 813 Page 637 of the Deed Records of Travis County, Texas, and for the Northeast corner of that certain (0.236 acre) tract of land as conveyed to Herlinda Villegas by deed recorded in Volume 12544 Page 1863 of the Real Property Records of Travis County, Texas, and being the Northwest corner of that certain tract of land as conveyed to Stanley Perry by Quitclaim Deeds recorded in Volume 8260 Page 117 and Volume 8260 Page 119 of the Deed Records of Travis County, Texas, and from which a 5/8" iron rod found for the Northwest corner of said Villegas (0.236 acre) tract bears N 60 deg. 01' 48" W 63.23 ft.;

THENCE with the South right-of-way line of Radam Lane, S 60 deg. 04' 57" E 60.19 ft. to a 5/8" iron pipe found for the Northeast corner of said Perry (Volume 8260 Page 117) tract, and for the Northwest corner of that certain tract of land as conveyed to Stanley Perry by General Warranty Deed Recorded in Volume 12632 Page 2338 of the Real Property Records of Travis County, Texas, and for the Northwest corner of that certain tract of land as conveyed to J.E. Shuler by deed recorded in Volume 1657 Page 197 of the Deed Records of Travis County, Texas, and being the Northwest corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE continuing with the South right-of-way line of Radam Lane, S 60 deg. 27' 42" E 59.95 ft. to a 5/8" iron pipe found for the Northeast corner of said Perry (Volume 12632 Page 2338) tract and for the Northeast corner of said Shuler tract and for the Northwest corner of that certain tract of land as conveyed to Ygnacio Loera, et ux, by deed recorded in Volume 8015 Page 45 of the Deed Records of Travis County, Texas, and being the Northeast corner of this tract;

THENCE leaving the South right-of-way line of Radam Lane with the common line of said Perry (Volume 12632 Page 2338) tract and said Loera tract, S 29 deg. 59' 00" W 140.22 ft. to a 1/2" iron pipe found at the Southeast corner of said Perry (Volume 12632 Page 2338) tract and for the Southwest corner of said Loera tract and for the Northwest corner of Lot 1, C.E. Harkins Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 12 Page 25 of the Plat Records of Travis County, Texas, and for the Northeast corner of that certain tract of land as conveyed to Thomas M. Cowan, et ux, by deed recorded in Volume 3120 Page 963 of the Deed Records of Travis County, Texas, and being the Southeast corner of this tract, and from which a 5/8" iron pipe found for the Southeast corner of said Loera tract bears S 60 deg. 14' 53" E 59.67 ft.;

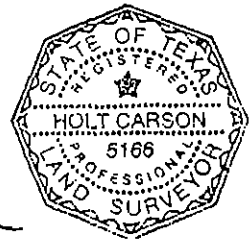
**EXHIBIT A**

Page 2 of 2  
8,388 SQUARE FEET

THENCE with the common line of said Perry (Volume 12632 Page 2338) tract and said Cowan tract, N 60 deg. 06' 47" W 59.85 ft. to a 5/8" iron pipe found for the Southwest corner of said Perry (Volume 12632 Page 2338) tract and for the Southeast corner of said Perry (Volume 8260 Page 117) tract and for the Northwest corner of said Cowan tract and for the Northeast corner of that certain tract of land as conveyed to Carmen Hored by Warranty Deed recorded in Document No. 2001184132 of the Official Public Records of Travis County, Texas, and being the Southwest corner of this tract;

THENCE with the common line of said Perry (Volume 12632 Page 2338) and said Perry (Volume 8260 Page 117) tracts, N 29 deg. 56' 38" E 139.86 ft. to the **PLACE OF BEGINNING** containing 8,388 square feet of land.

SURVEYED: August 1, 2003.



Holt Carson  
Registered Professional Land Surveyor No. 5166

see accompanying map: A 705034

**CARSON AND BUSH**  
**PROFESSIONAL SURVEYORS, INC.**

1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

August 4, 2003

TRACT TWO:

FIELD NOTE DESCRIPTION OF 8,429 SQUARE FEET OF LAND, BEING A PART OF LOT 8, DIVISION "D", OF THE ESTATE OF JAMES E. BOULDIN, DECEASED, AS RECORDED IN BOOK U PAGE 75 OF THE DISTRICT COURT MINUTES OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO STANLEY PERRY BY QUITCLAIM DEEDS RECORDED IN VOLUME 8260 PAGE 117 AND VOLUME 8260 PAGE 119 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 5/8" iron pipe found in the South right-of-way line of Radam Lane for the Northwest corner of that certain (4 acre) tract of land as conveyed to C.A. Chally by deed recorded in Volume 813 Page 637 of the Deed Records of Travis County, Texas, and for the Northeast corner of that certain (0.236 acre) tract of land as conveyed to Herlinda Villegas by deed recorded in Volume 12544 Page 1863 of the Real Property Records of Travis County, Texas, and being the Northwest corner of that certain tract of land as conveyed to Stanley Perry by Quitclaim Deeds recorded in Volume 8260 Page 117 and Volume 8260 Page 119 of the Deed Records of Travis County, Texas, and being the Northwest corner and **PLACE OF BEGINNING** of the herein described tract, and from which a 5/8" iron rod found for the Northwest corner of said Villegas (0.236 acre) tract bears N 60 deg. 01' 48" W 63.23 ft.;

THENCE with the South right-of-way line of Radam Lane, S 60 deg. 04' 57" E 60.19 ft. to a 5/8" iron pipe found for the Northeast corner of said Perry (Volume 8260 Page 117) tract, and for the Northwest corner of that certain tract of land as conveyed to Stanley Perry by General Warranty Deed Recorded in Volume 12632 Page 2338 of the Real Property Records of Travis County, Texas, and for the Northwest corner of that certain tract of land as conveyed to J.E. Shuler by deed recorded in Volume 1657 Page 197 of the Deed Records of Travis County, Texas, and being the Northeast corner of this tract, and from which a 5/8" iron pipe found for the Northeast corner of said Perry (Volume 12632 Page 2338) and for the Northeast corner of said Shuler tract bears S 60 deg. 27' 42" E 59.95 ft.;

THENCE leaving the South right-of-way line of Radam Lane with the common line of said Perry (Volume 8260 Page 117) and Perry (Volume 12632 Page 2338) tracts, S 29 deg. 56' 38" W 139.86 ft. to a 5/8" iron pipe found for the Southeast corner of said Perry (Volume 8260 Page 117) tract and for the Southwest corner of said Perry (Volume 12632 Page 2338) tract, and for the Northwest corner of that certain tract of land as conveyed to Thomas M. Cowan, et ux, by deed recorded in Volume 3120 Page 963 of the Deed Records of Travis County, Texas, and for the Northeast corner of that certain tract of land as conveyed to Carmen Hored by Warranty Deed recorded in Document No. 2001184132 of the Official Public Records of Travis County, Texas, and being the Southeast corner of this tract, and from which a 1/2" iron pipe found for the Southeast corner of said Perry (Volume 12632 Page 2338) tract and for the Northeast corner of said Cowan tract bears S 60 deg. 06' 47" E 59.85 ft., and also from which an iron rod found (with a plastic cap imprinted with "Arpenters") for the Northwest corner of said Hored tract bears N 58 deg. 47' 52" W 60.27 ft.;

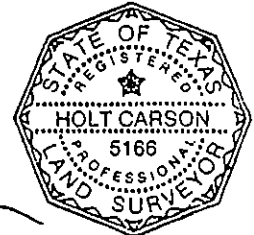
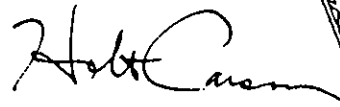
EXHIBIT P

Page 2 of 2  
8,429 SQUARE FEET

THENCE crossing the interior of said Hored tract with the South line of said Perry (Volume 8260 Page 117) tract, N 60 deg. 06' 47" W 60.33 ft. to a ½" iron rod set with a plastic cap imprinted with "Carson and Bush Professional Surveyor" for the Southwest corner of said Perry (Volume 8260 Page 117) tract and being in the West line of the aforementioned Chally (4 acre) tract, and being the Southwest corner of this tract, and from which a ½" iron pipe found in the North right-of-way line of Clifford Drive for an angle corner of Lot 3, Medical Center South, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 83 Page 168B of the Plat Records of Travis County, Texas, bears S 30 deg. 00' 00" W 138.92 ft.;

THENCE with the West line of said Chally (4 acre) tract and with the West line of said Perry (Volume 8260 Page 117) tract, N 30 deg. 00' 00" E 139.89 ft. to the **PLACE OF BEGINNING**, containing 8,429 square feet of land.

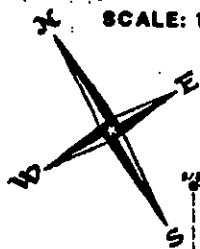
SURVEYED: August 1, 2003.



Holt Carson  
Registered Professional Land Surveyor No. 5166

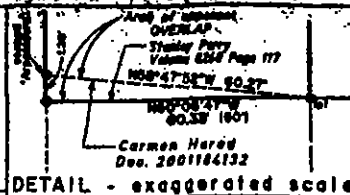
see accompanying map: A 705034

SCALE: 1" = 20'



Northwest corner of Chaffy (A) tract

RADAM LANE (Right-of-Way varies)



DETAIL - exaggerated scale

**Legend**

- N-iron Rod Found
- ⊙ N-iron Pipe Found
- ⊠ N-iron Rod Set with plastic cap
- ⊙ Impacted with "Carmen and Bush"
- ⊙ Water Meter
- Wire Fence
- Overhead Utility Line
- (Record Bearing and Distance)

LOT 2

LOT 3 DIVISION "D"  
**JAMES E. BOULDIN ESTATE**  
**BOOK 0 PAGE 73**

DISTRICT COURT MINUTES

LOT 3

MEDICAL CENTER SOUTH  
Volume 83 Page 1658

CLIFFORD DRIVE

C.E. HARKINS SUBDIVISION  
Volume 12 Page 25

LOT 1

LOT 2

Thomas H. Cavan, et ux  
Volume 3120 Page 983

NOTE:  
Orientation for this survey was based upon a bearing of S30°00'00"W between monuments found for points A and B as labeled hereon.

GP No. 03084143

TO: Kaddosree M. Kavousi and Homayoun R. Karoussi  
Chase Manhattan Mortgage Corporation  
Grady Title Company

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is accurate to the best of my abilities and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and said property abuts a dedicated roadway.  
This property is within Zone X (area determined to be outside of the 100 Year Flood Plain) according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480624 0210 F, dated June 5, 1997.  
This the 1st day of August, A.D., 2003.

BY:

*[Signature]*  
Moli Carson

Registered Professional Land Surveyor No. 5168  
CARSON AND BUSH PROFESSIONAL SURVEYORS, INC.  
1904 Fortview Road Austin, Texas 78704  
(512) 442-0990



SURVEY PLAT OF

LOT 3

TRACT ONE:  
8,388 SQUARE FEET OF LAND, BEING A PART OF LOT 8, IN DIVISION "D", OF THE PARTITION OF THE ESTATE OF JAMES E. BOULDIN, DECEASED, AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO STANLEY PERRY BY GENERAL WARRANTY DEED RECORDED IN VOLUME 12632 PAGE 2338 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT TWO:  
8,428 SQUARE FEET OF LAND, BEING A PART OF LOT 8, IN DIVISION "D", OF THE PARTITION OF THE ESTATE OF JAMES E. BOULDIN, DECEASED, AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO STANLEY PERRY BY QUITCLAIM DEEDS RECORDED IN VOLUME 8260 PAGE 117 AND VOLUME 8260 PAGE 119 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

see accompanying Field Note Descriptions

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A 705034



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT C</b>  CASE #: C14-04-0062 ADDRESS: 615 & 617 RADAM LANE SUBJECT AREA (acres): 0.386	DATE: 04-05  INTLS: SM	CITY GRID REFERENCE NUMBER  G18
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				