

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



**AGENDA ITEM NO.: Z-15
AGENDA DATE: Thu 10/21/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0119 - Ivarra Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2303 West Parmer Lane (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning. Applicant: Thomas and Virginia Ivarra. City Staff Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Alice Glasco

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0119

Z.A.P. DATE: September 21, 2004

ADDRESS: 2303 Parmer Lane

C.C. DATE: October 21, 2004

OWNER/AGENT: Thomas and Virginia Ivarra

ZONING FROM: NO

TO: LR

AREA: .28 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to neighborhood commercial (LR) district zoning.

ZONING AND PLATTING COMMISSION:

September 21, 2004 – Approved neighborhood commercial (LR) district zoning. (Vote: 7-0, K. Jackson and J. Gohill – absent).

DEPARTMENT COMMENTS:

The applicant intends to use the existing 1300 square foot single-family structure for a craft shop.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NO	Single Family
<i>North</i>	SF-2 I-RR LO	Auto Repair Pool Service Office
<i>South</i>	SF-1	Single Family
<i>East</i>	LR-CO	Hair Salon
<i>West</i>	NO	Office

AREA STUDY: N/A

TIA: N/A

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ASSOCIATIONS:

#037 – Lamplight Village Area Neighborhood Association
#064 – River Oaks Lakes Estates Neighborhood
#114 – North Growth Corridor Alliance
#511 – Austin Neighborhoods Council

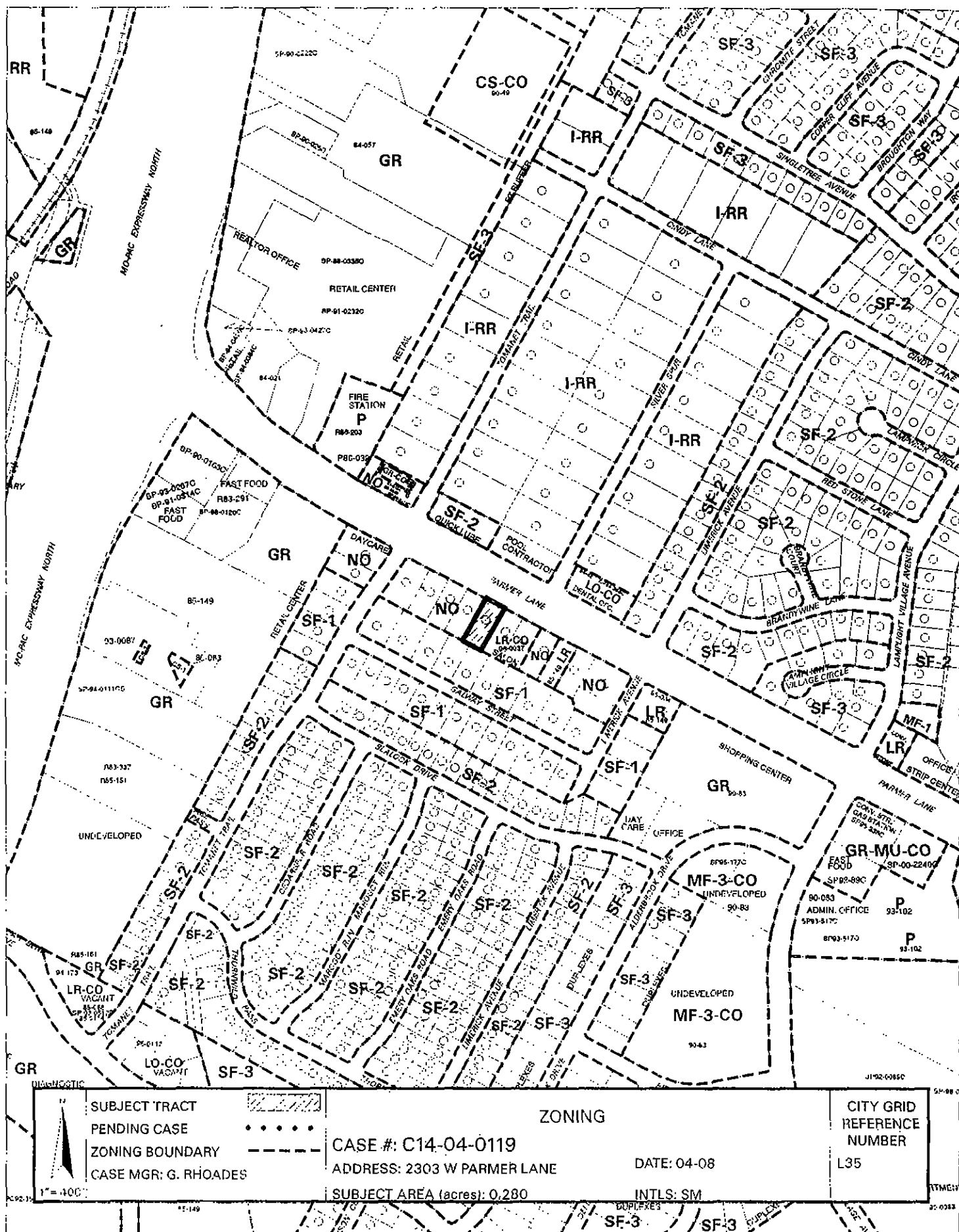
CASE HISTORIES:

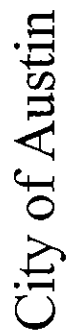
NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-96-0037	NO to LR	Approved LR-CO. The CO limited trips to 300 per day and prohibited more than 12 parking spaces (Vote: 8-0). 5/7/96	Approved PC recommendation (Vote: 7-0). 8/8/96.

ABUTTING STREETS:

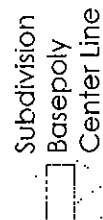
NAME	ROW	PAVEMENT	CLASSIFICATION
Parmer Lane	150'	2@40'	Major Arterial

CITY COUNCIL DATE: 10/21/04**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775





Case C14-04-0119



The map has been produced by the Civil Aviation Authority as a warning device and is not warranted for any other purpose whatsoever made by the CAA regarding its involvement in commercial matters. Reproduction or distribution without prior written permission is prohibited.

Workstreet Protection & Consulting Pty Ltd
City of Austin

STAFF RECOMMENDATION

Staff recommends the proposed change to neighborhood commercial (LR) district zoning.

BASIS FOR RECOMMENDATION

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

LR - Neighborhood Commercial district is the designation for a commercial use that provides business and office facilities for the residents of a neighborhood.

The proposed change meets the purpose statement in the Land Development Code by being located on the periphery of a single family neighborhood, with the potential to serve nearby residents.

The proposed zoning should promote consistency, and orderly planning.

The proposed change would be compatible with existing land uses. The subject tract is adjacent to a property that is zoned LR and used for a commercial business. In addition, it is across the street from several commercial businesses.

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

The LR zoning district would allow for a fair and reasonable use of the site. LR zoning is appropriate for this site because of the location of the property and the commercial character of this portion of Parmer Lane.

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.

The property in question is located on and will take access to West Parmer Lane, which is classified as a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

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

Transportation

The trip generation under the requested zoning is estimated to be 1,102 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]

There are existing sidewalks along Parmer Lane.

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

Parmer Lane is classified in the Bicycle Plan as a Priority 1 bike route. (Route #2)

Additional right-of-way for Parmer Lane may be required with the subdivision and/or site plan

Impervious Cover

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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

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.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

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 landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements or system upgrades, or offsite main extension, or utility adjustment, or utility relocation are required, the landowner will be responsible for all costs and 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 utility design criteria and specifications.

Compatibility Standards

The site is subject to compatibility standards. Along the south 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.

6. C14-04-0100 – JOSEPH G. WHEELER, By: Joseph G. Wheeler, 9001 Old Lampasas Trail. (Bull Creek). **FROM I-SF-2 TO LO. RECOMMENDED. City Staff: Sherri Gager, 974-3057. POSTPONED FROM 8-17 (NEIGHBORHOOD).**

DENIED STAFF'S RECOMMENDATION FOR LO ZONING.

[J.M. T.R 2ND] (6-1) M.W – NAY; K.J – OFF DAIS; J.G – ABSENT

NEW CASES

7. C14-04-0137 – QUALITY CLOSE-OUTS (Blake Robinson), By: Bury & Partners, Inc. (James B. Knight), 9501 N. FM Road 620. (Bull Creek). **FROM I-RR TO MF-1. RECOMMENDED. City Staff: Sherri Gager, 974-3057.**

APPROVED STAFF'S RECOMMENDATION OF MF-1 ZONING; BY CONSENT.


[J.M; M.W 2ND] (7-0) K.J – OFF DAIS; J.G – ABSENT

8. C14-04-0133 – LAMAR VENTURES OF PARTNERSHIP, By: Crocker Consultants (Sarah Crocker), 11800 North Lamar. (Walnut Creek). **FROM DR; LO; GR-CO TO GR. ALTERNATE RECOMMENDATION: GR-CO; LO-CO. City Staff: Sherri Gager, 974-3057.**

CONTINUED TO 10/05/04 (ZAP)

[M.W, J.M 2ND] (7-0) K.J – LEFT EARLY; J.G – ABSENT

****REQUEST MADE FOR STAFF TO NOTIFY FOR CITY COUNCIL FOR 10/21/04.***

- 
9. C14-04-0119 – THOMAS & VIRGINIA IVARRA, By: Thomas & Virginia Ivarra, 2303 West Parmer Lane. (Walnut Creek). **FROM NO TO LR. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775.**

APPROVED STAFF'S RECOMMENDATION OF LR ZONING.

[J.M; J.P 2ND] (7-0) K.J – LEFT EARLY; J.G – ABSENT

10. C14-99-0129 (RCT) – SOUTH PARK MEADOWS, By: Abel J. and Mary Ann Theriot Family Limited Partnership (Suzanne Sanders), Cunningham-Allen, Inc. (Jana Rice), 9600 IH-35 Service Road Southbound (Slaughter / Onion Creek Watersheds). **TO TERMINATE THE RESTRICTIVE COVENANT THAT ADDRESSES THE DISCONTINUANCE OF A COCKTAIL LOUNGE USE. RECOMMENDED. City Staff: Wendy Walsh, 974-7719.**

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.

[J.M; M.W 2ND] (7-0) K.J – OFF DAIS; J.G – ABSENT

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 2303 WEST PARMER LANE FROM
3 NEIGHBORHOOD OFFICE (NO) DISTRICT TO NEIGHBORHOOD
4 COMMERCIAL (LR) 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 neighborhood office (NO) district to neighborhood
10 commercial (LR) district on the property described in Zoning Case No.C14-04-0119, on
11 file at the Neighborhood Planning and Zoning Department, as follows:

12
13 A 0.304 acre tract of land, more or less, out of Lot 5-B in Parmer Heights Section
14 One Subdivision, Travis County, the tract of land being more particularly
15 described by metes and bounds in Exhibit "A" incorporated into this ordinance,

16
17 locally known as 2303 West Parmer Lane, in the City of Austin, Travis County, Texas, and
18 generally identified in the map attached as Exhibit "B".

19
20 **PART 2.** This ordinance takes effect on _____, 2004.

21
22
23 **PASSED AND APPROVED**

24
25 §
26 §
27 _____, 2004 § _____
28 Will Wynn
29 Mayor
30

31
32 **APPROVED:** _____ **ATTEST:** _____
33 David Allan Smith Shirley A. Brown
34 City Attorney City Clerk

FIELD NOTES OF A SURVEY AS PERFORMED BY B & G SURVEYING, INC., OF LOT 5-B, BLOCK B, RESUBDIVISION OF LOT 1, BLOCK A AND LOT 1, BLOCK B, PARMER HEIGHTS SECTION ONE, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 58, PAGE 78, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, **SAVE AND EXCEPT** THEREFROM THAT PORTION OF LOT 5-B WHICH IS NOW STREET RIGHT OF WAY, AS DESCRIBED IN VOLUME 10829, PAGE 552, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, THE REMAINDER OF LOT 5-B AND IS OWNED BY THOMAS AND VIRGINIA IVARRA, WHOSE DEED IS RECORDED IN VOLUME 1257, PAGE 1174, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at the common rear corner of Lots 5-B and Lot 6-B, Block B, of the aforementioned subdivision, said pipe is on the north line of Lot 6-A, Block B, Parmer Lane Heights, Section One, Resubdivision #1, a subdivision of record in Book 45, Page 1 of the Plat Records of Travis County, Texas, said pipe is the southeast corner of the herein described tract and the **PLACE OF BEGINNING** hereof;

THENCE, along the south line of the aforementioned Lot 5-B, same being the north line of Lot 5-A and Lot 6-A, Block B, of the aforementioned Parmer Lane Heights, Section One, Resubdivision #1, N 60°06'29" W, for a distance of 74.99 feet to a 60 D nail found at the common rear corner of Lots 4-B and Lot 5-B, Block B, of the aforementioned Resubdivision of Lot 1, Block A and Lot 1 Block B, Parmer Heights Section One, for the southwest corner hereof;

THENCE, along the dividing line of said Lots 4-B and 5-B, N 29°59'12" E, for a distance of 176.86 feet, to a 1/2" iron rod found at the southwest corner of that portion of Lot 5-B as mentioned above set out as street right of way, for the northwest corner hereof, same being a point on the current south right of way line of West Parmer Lane;

THENCE, over and across the aforementioned Lot 5-B, same being the south line of said portion of Lot 5-B, set out as street right of way, same being the current south right of way line of West Parmer Lane, S 60°08'18" E, for a distance of 75.04 feet to a 60 D nail found at the southeast corner of the above said street right of way tract, being a point on the dividing line of the aforementioned Lots 5-B and 6-B, for the northeast corner hereof;

THENCE, along the dividing line of the aforementioned Lots 5-B and 6-B, S 30°00'00" W (Bearing Basis), for a distance of 176.90 to the PLACE OF BEGINNING.

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ACCOMPANING SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.

David L. Bell

7-29-04

DAVID L. BELL R.P.L.S. NO. 3994

DATE

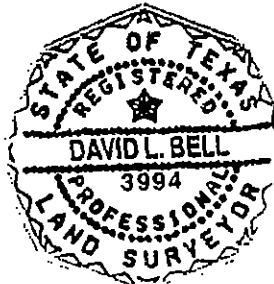
B & G SURVEYING, INC.

1404 W. NORTH LOOP BLVD.

AUSTIN, TEXAS 78756

(512) 458 - 6969

JO.NO.B0618504

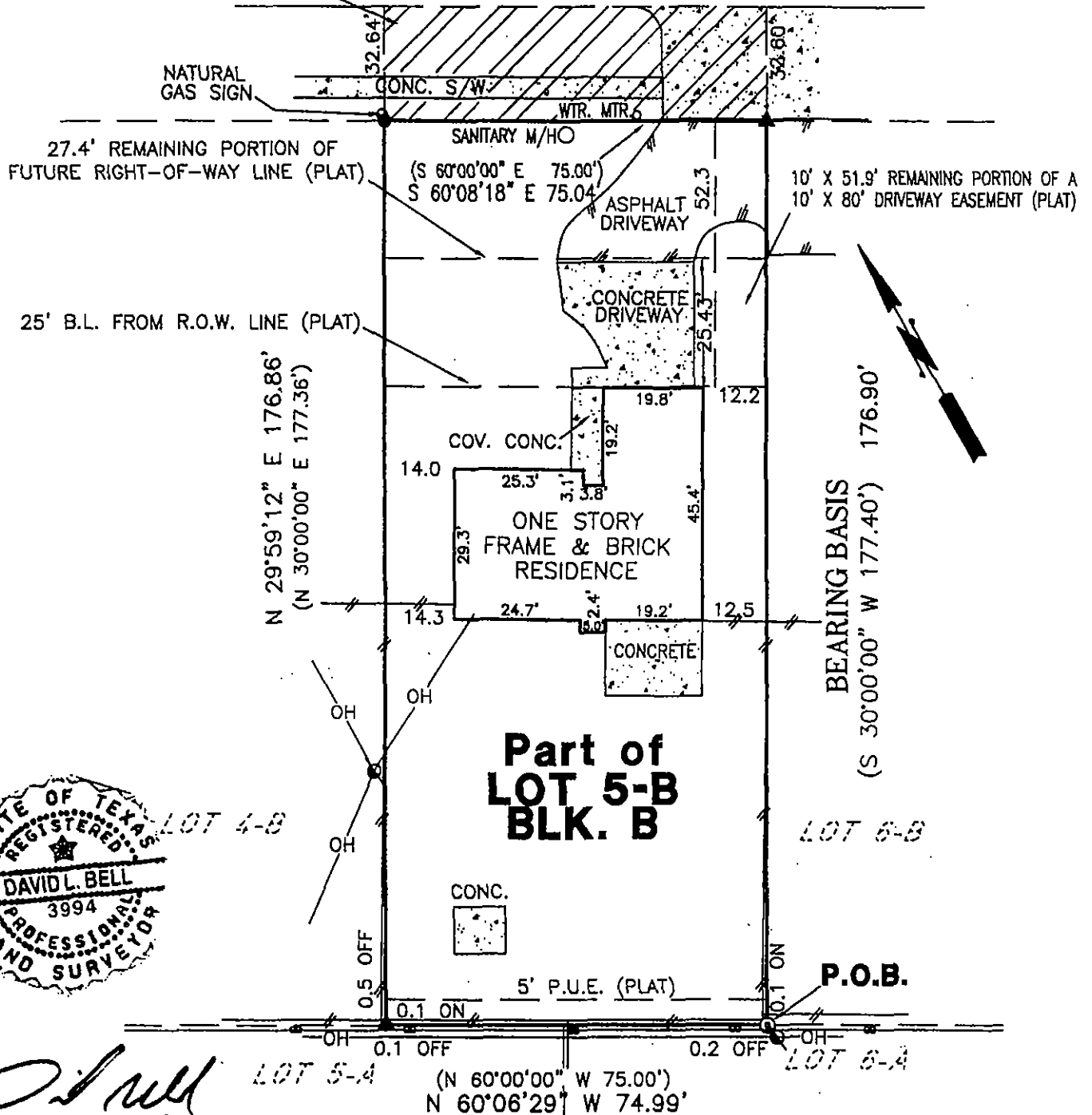


13268 SQ FT. [0.3046] FOR REZONING PURPOSES SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PART OF LOT 5-B SET OUT
FOR STREET R.O.W. IN (V.1089, P.552)

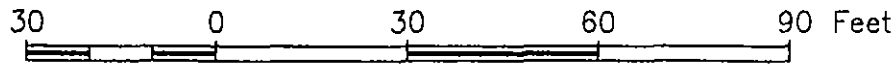
³
2203

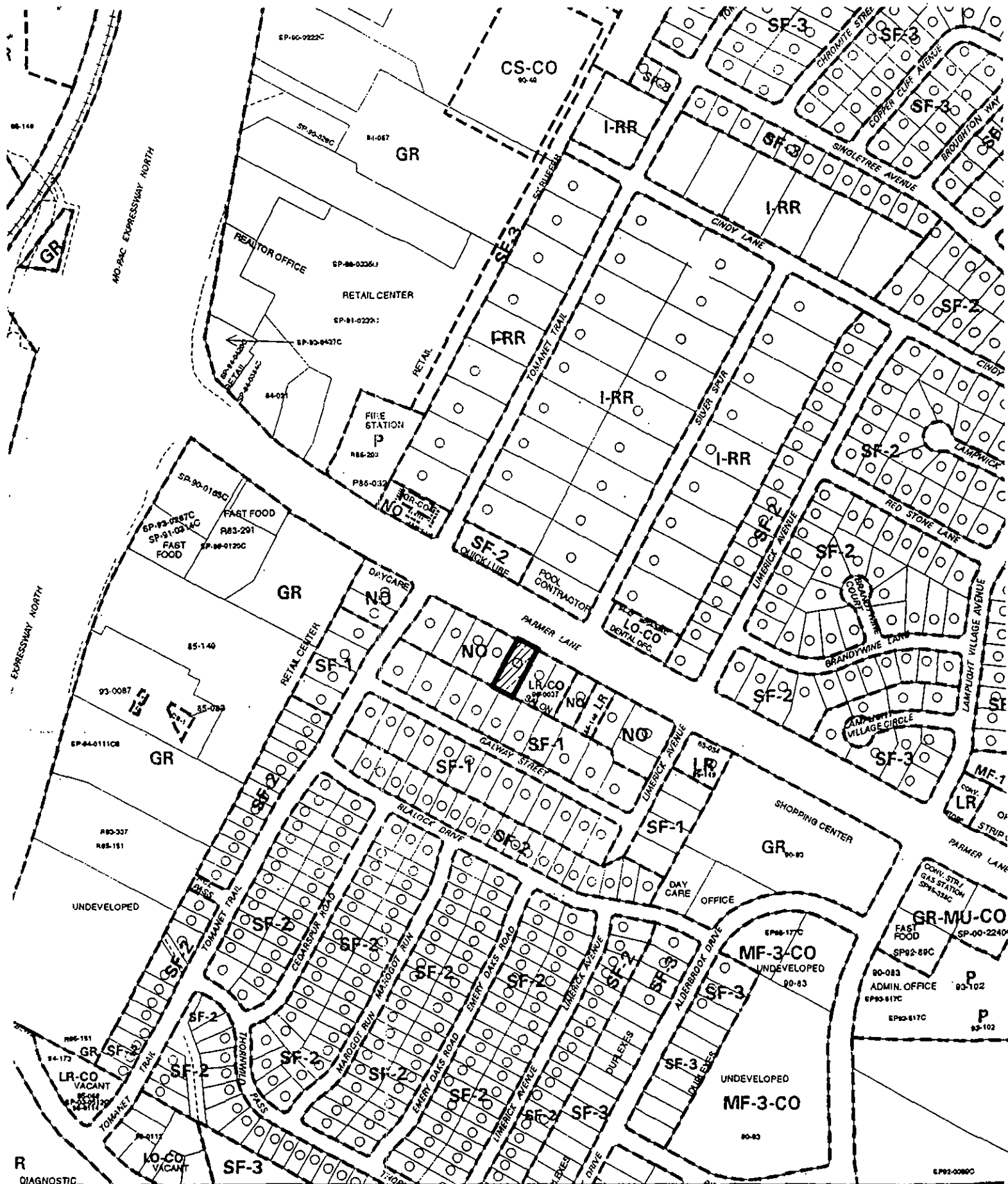
WEST PARMER LANE



D. L. Bell
7-29-04

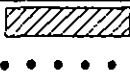
PARMER LANE HEIGHTS SECTION 1
(BOOK 45 PAGE 1) & (PER PLAT)





R
DIAGNOSTIC

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: G. RHOADES



CASE #: C14-04-0119

ADDRESS: 2303 W PARMER LANE

SUBJECT AREA (acres): 0.280

ZONING EXHIBIT B

DATE: 04-08

INTLS: SM

CITY GRID
REFERENCE
NUMBER

L35

1" = 400'