

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



**AGENDA ITEM NO.: 45**  
**AGENDA DATE: Thu 11/04/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0012.003 - Brentwood/Highland Combined Neighborhood Plan rezoning (PART) - Approve first/second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6208 Burns Street (Waller Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Greg Guernsey, 974-2387. Note: A valid petition has been filed in opposition to this rezoning request.

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

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0012.003

**PC DATE:** August 10, 2004

**ADDRESS:** 6208 Burns Street

**OWNER:** Ken McWilliams

**AGENT:** Jim Bennett

**APPLICANT:** City of Austin, NPZD (Annick Beaudet)

**ZONING FROM:** MF-3-NP      **TO:** GR-MU-CO-NP      **AREA:** .174 acres/7, 580 sq.ft.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends community commercial-mixed use-conditional overlay-neighborhood plan combining district zoning (GR-MU-CO-NP). The CO would prohibit automotive rental, automotive repair services, automotive sales, automotive washing of any type, commercial off street parking, drop off recycling collection facility, exterminating services, off site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, plant nursery, service station, and drive in services as an accessory use.

### **PLANNING COMMISSION RECOMMENDATION:**

7-13-04: Postponement to August 10, 2004 at the request of the neighborhood and staff.

8-10-04: Approve staff recommendation of GR-MU-CO-NP. Vote: 5-3 (CM, JMC, MH-No)

### **ISSUES:**

There is a valid petition (24.47%), submitted by the neighborhood, against any other zoning district other than MF-3-NP. (Exhibit A)

The property owner of the apartment complexes that are partly within the 200-foot petition rights radius did sign the petition in opposition to this rezoning request. However, staff is waiting for a Power of Attorney document before including that property within the petition tally. If that is received the validity of the petition will increase.

In addition, the neighbors in direct proximity to this property obtained signatures of neighbors both within the 200 foot radius, and beyond, in opposition to this rezoning request. (See Exhibit B)

### **DEPARTMENT COMMENTS:**

City staff facilitated a meeting on July 21, 2004 for the property owner and neighbors. At that meeting all parties shared their issues concerning the development of the property. The limiting issue is commercial access to Burns Street. While the owner was willing to prohibit additional uses (general restaurant, limited restaurant, indoor sports and recreation, indoor entertainment, and research services) per the neighborhoods request, it was contingent on retaining commercial access to Burns Street.

In addition the property owner agreed to also prohibit those uses on the back portion of the adjacent lot to the north (which is currently zoned GR-MU-CO-NP). However, again, contingent upon retaining access to Burns Street from both properties.

Per conversations with the property owner, it is staff's understanding that the owner wishes to develop a Interior Design Center on this property combined with the lot to the north and the lots directly to the west of the property. Currently there exists a window covering business, he wishes to expand to include new buildings with uses such as carpet sales, framing shops, and accent furniture type retail.

Lastly, the owner suggests that without commercial access to Burns Street the building and parking placement for the Design Center would be limited and more costly.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3	Undeveloped
<i>North</i>	GR-MU-CO-NP	Undeveloped
<i>South</i>	MF-3-NP	Single family home
<i>East</i>	SF-3-NP	Single family home
<i>West</i>	CS-MU-CO-NP	Window covering retail showroom

**AREA STUDY:** Brentwood/Highland Combined Neighborhood Planning Area

**TIA/NTA:** Waived and Not Required.

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes.

**CAPITOL VIEW CORRIDOR:** No.

**HILL COUNTRY ROADWAY:** No.

**NEIGHBORHOOD ORGANIZATIONS:**

Highland Neighborhood Association  
North Austin Neighborhood Alliance  
Austin Neighborhoods Council  
Skyview Neighborhood Assn.  
Taking Action Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-04-0012.003	Brentwood/Highland Neighborhood Plan Rezoning.	To recommend retaining MF-3 zoning for this property and to recommended multifamily zoning uniformly along Burns Street from Denson Drive to Lamar Place.	This specific property was not notified for a rezoning during the neighborhood plan rezonings because it was already designated with MF-3 zoning. City Council directed staff to initiate a rezoning on the property to GR-MU-CO-NP per the property owners request.

**RELATED CASES:**

There are no pending site plan or subdivision applications currently under review by the City of Austin.

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Burns Street	60'	35'	Local

**CITY COUNCIL DATE:** September 30, 2004

**ACTION:** Postponed case to 10/21/04  
Vote: 7-0. Staff to review technicalities of restricting access, except emergency to Burns Street. Applicant asked to do a simple site plan to see how realistic a 100 wide piece of commercial property, 400 feet long could be developed. (Public Hearing Closed)

October 21, 2004

Postponed case to 11/04/04  
Vote: 7-0. Council postponed the case to allow the neighbors; Mr. Bennett (the agent) and the applicant time to look over the (driveway/parking lot) proposals and maybe make some counter offers to the Mr. Bennett. Staff was asked to clarify the Fire Department's recommendations on vehicle access being limited or prohibited to Burns Street.

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

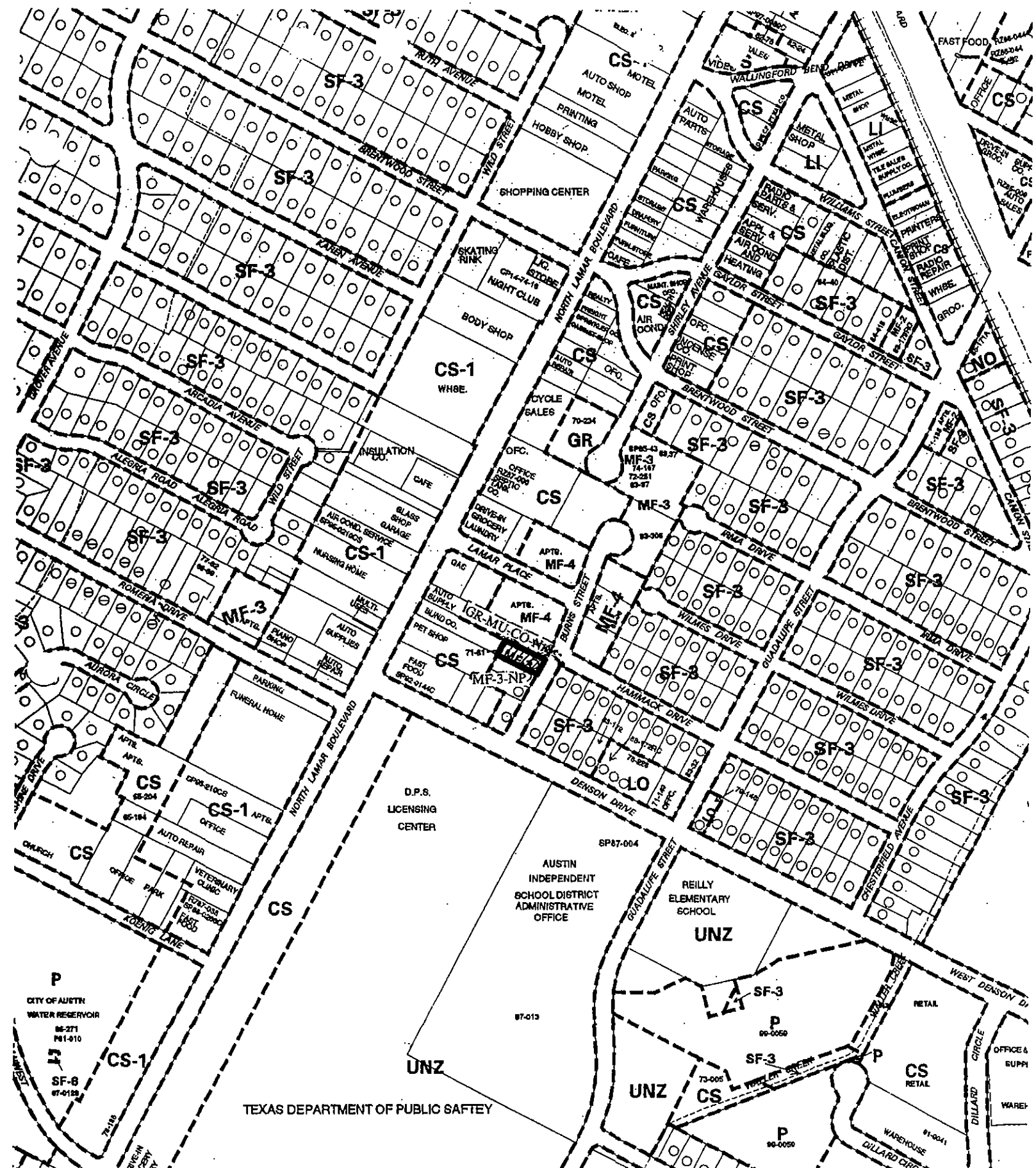
3<sup>rd</sup>

**ORDINANCE NUMBER:**




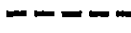
**CASE MANAGER:** Greg Guernsey

**PHONE:** 974-2387

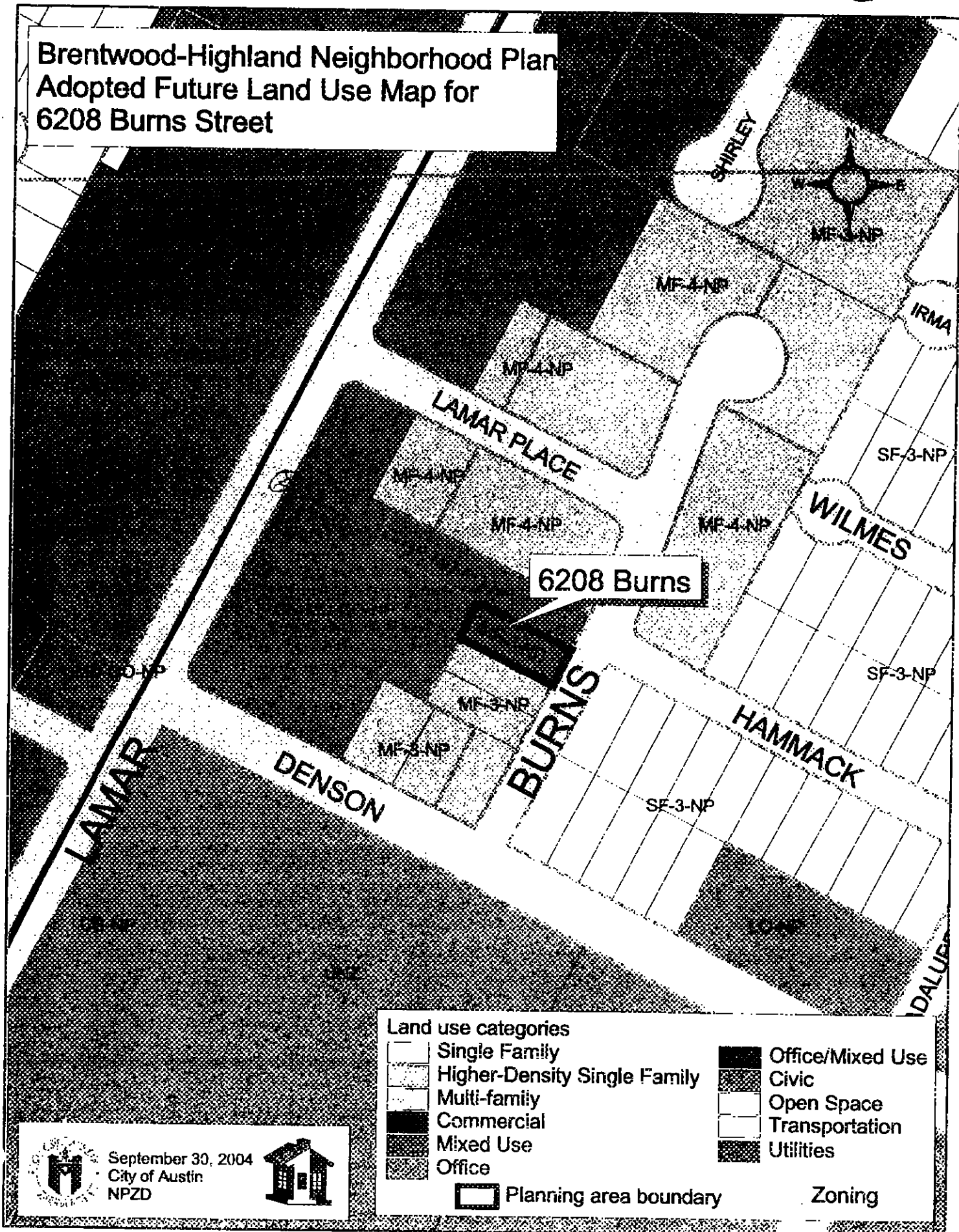
**E-MAIL:** greg.guernsey@ci.austin.tx.us

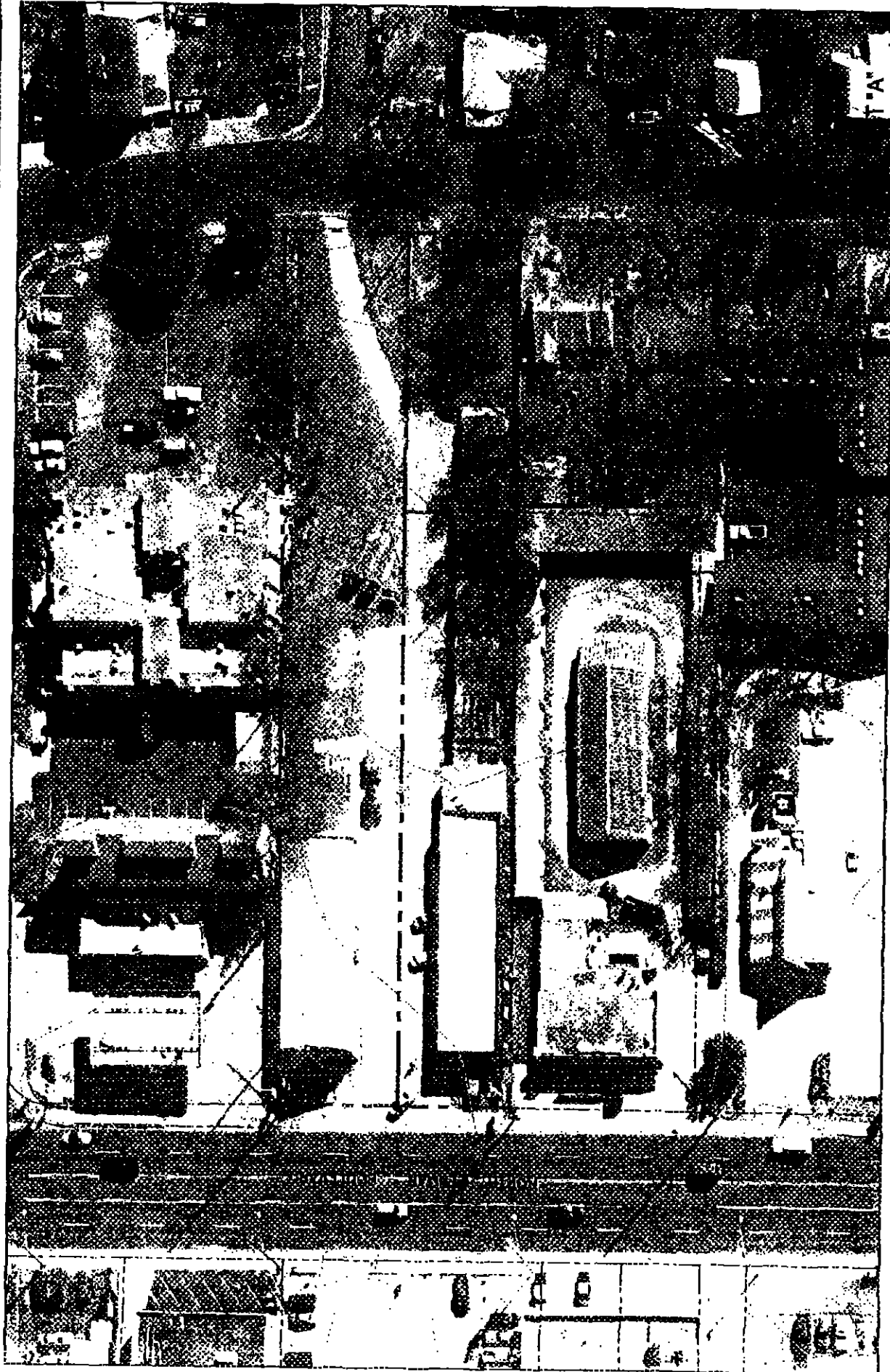


TEXAS DEPARTMENT OF PUBLIC SAFETY

 1" = 400'	SUBJECT TRACT		<b>ZONING</b>  <b>CASE #:</b> C14-04-0012.003 <b>ADDRESS:</b> 6208 BURNS ST <b>SUBJECT AREA (acres):</b> 0.174	<b>DATE:</b> 04-06  <b>INTLS:</b> SM	<b>CITY GRID REFERENCE NUMBER</b>  K27
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: A. BEAUDET				

**Brentwood-Highland Neighborhood Plan  
Adopted Future Land Use Map for  
6208 Burns Street**



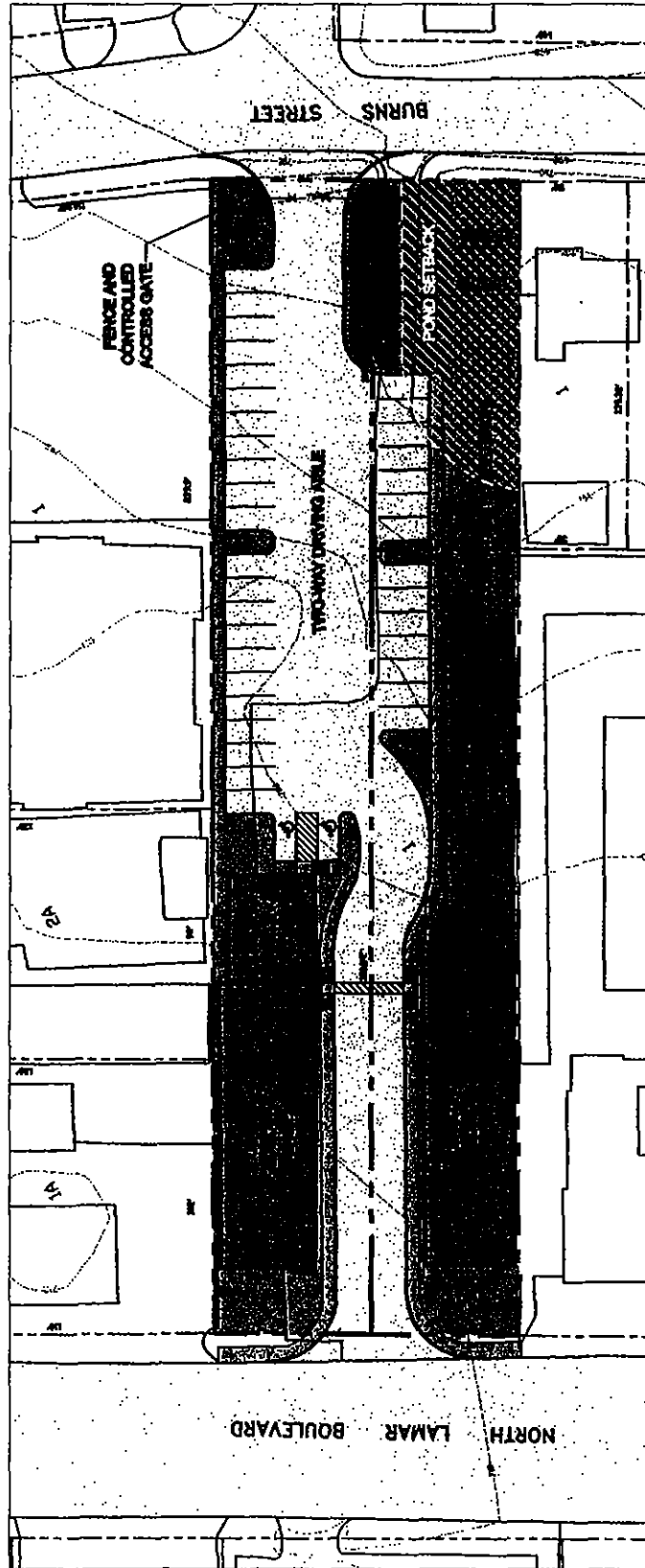


C14-04-0012.003  
AUSTIN, TX

*Thruway Design*  
LAND PLANNERS



SCALE: 1" = 20'



## TABULATION

USES			
RETAIL	11,500 S.F.	44 SPACES	
WAREHOUSE	1,274 S.F.	1 SPACES	
PARKING			
REQUIRED:		47	
REDUCTION ALLOWED @ 50% BY CODE		0.5	
TOTAL REQUIRED		33	
PROVIDED:			
REGULAR SPACES		36 SPACES	
HANDICAP SPACES		2 SPACES	
TOTAL		38 SPACES	

EXHIBIT "B"

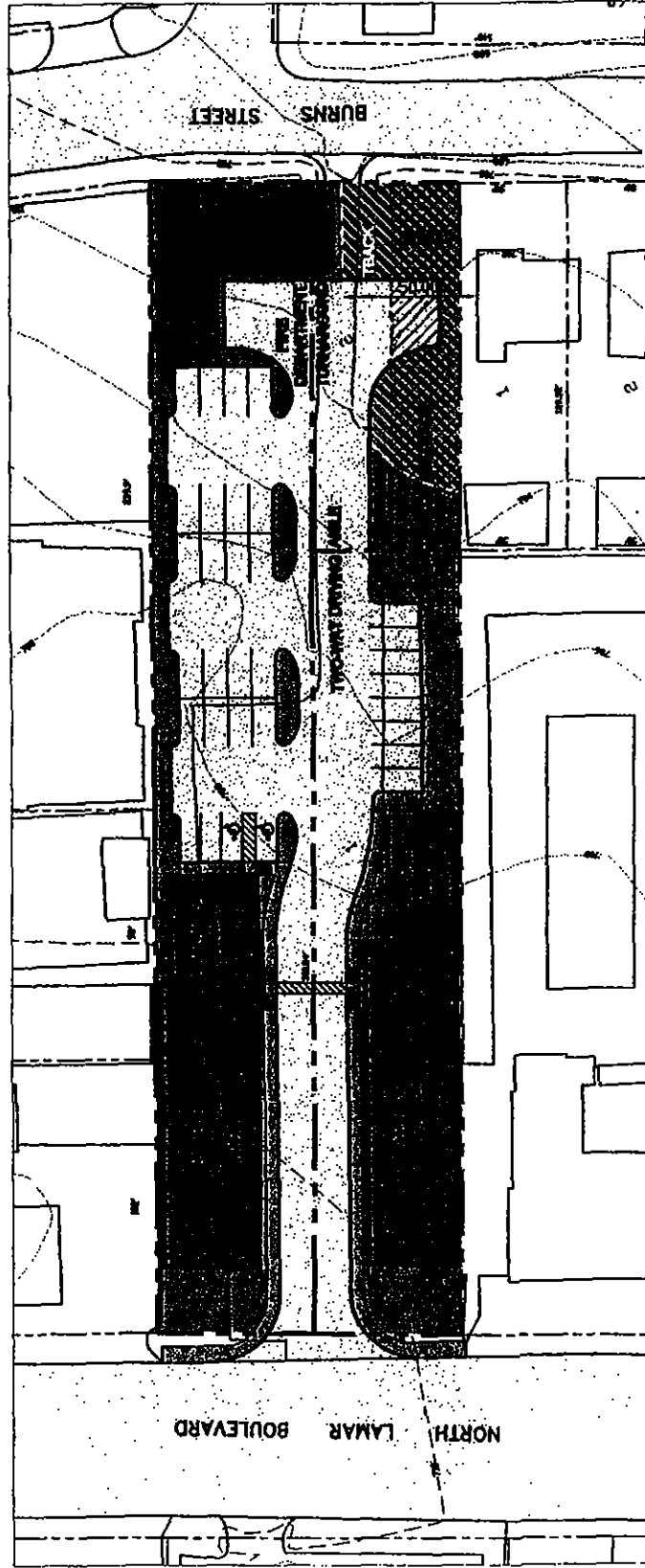
C14-04-0012.003  
AUSTIN, TX

*Throover Design*  
LAND PLANNERS





SCALE 1" = 20'



# **TABULATION**

USES		
RETAIL	4,842 S.F.	36 SPACES
WAREHOUSE	1,374 S.F.	1 SPACES
PARKING		
REQUIRED:		39
REDUCTION ALLOWED @ 80% BY CODE		0.8
TOTAL REQUIRED		31
PROVIDED:		
REGULAR SPACES		30 SPACES
HANDICAP SPACES		2 SPACES
TOTAL		32 SPACES

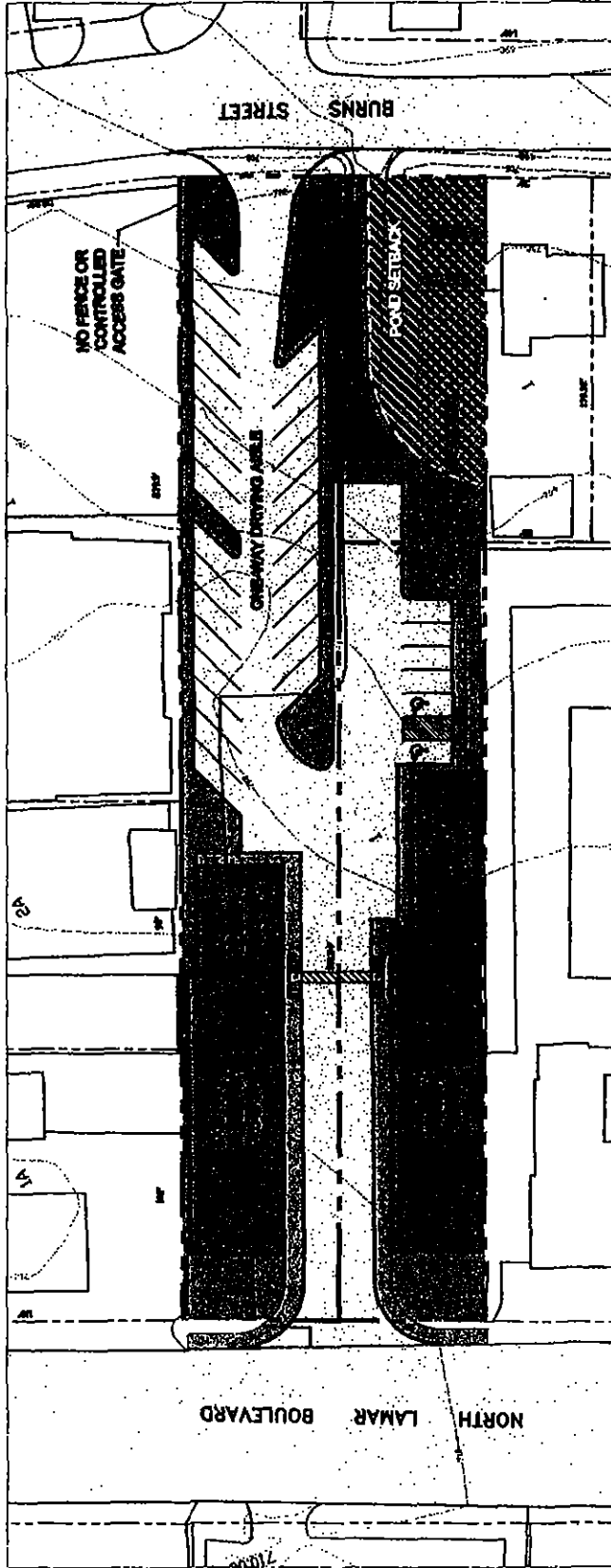
EXHIBIT "C"

C14-04-0012.003  
AUSTIN, TX

**Thruway Design**  
LAND PLANNERS



SCALE: 1" = 20'



# **TABULATION**

USES			
RETAIL	9,898 S.F.	40 SPACES	
WAREHOUSE	1,374 S.F.	1 SPACES	
PARKING			
REQUIRED:		41	
REDUCTION ALLOWED @ 80% BY CODE		0.8	
TOTAL REQUIRED		33	
PROVIDED:			
REGULAR SPACES		31 SPACES	
HANDICAP SPACES		2 SPACES	
TOTAL		33 SPACES	

EXHIBIT "D"

C14-04-0012.003  
AUSTIN, TX

*Thruway Design*  
LAND PLANNERS

# Brentwood-Highland Neighborhood Plan Adopted Future Land Use Map for 6208 Burns Street



## Land Use Categories

- Single Family
- Higher Density Single Family
- Multi-family
- Commercial
- Mixed Use
- Office

- Mixed Use/Office
- Civic
- Recreation & Open Space
- Transportation
- Utilities

Combined Brentwood/ Highland NP area



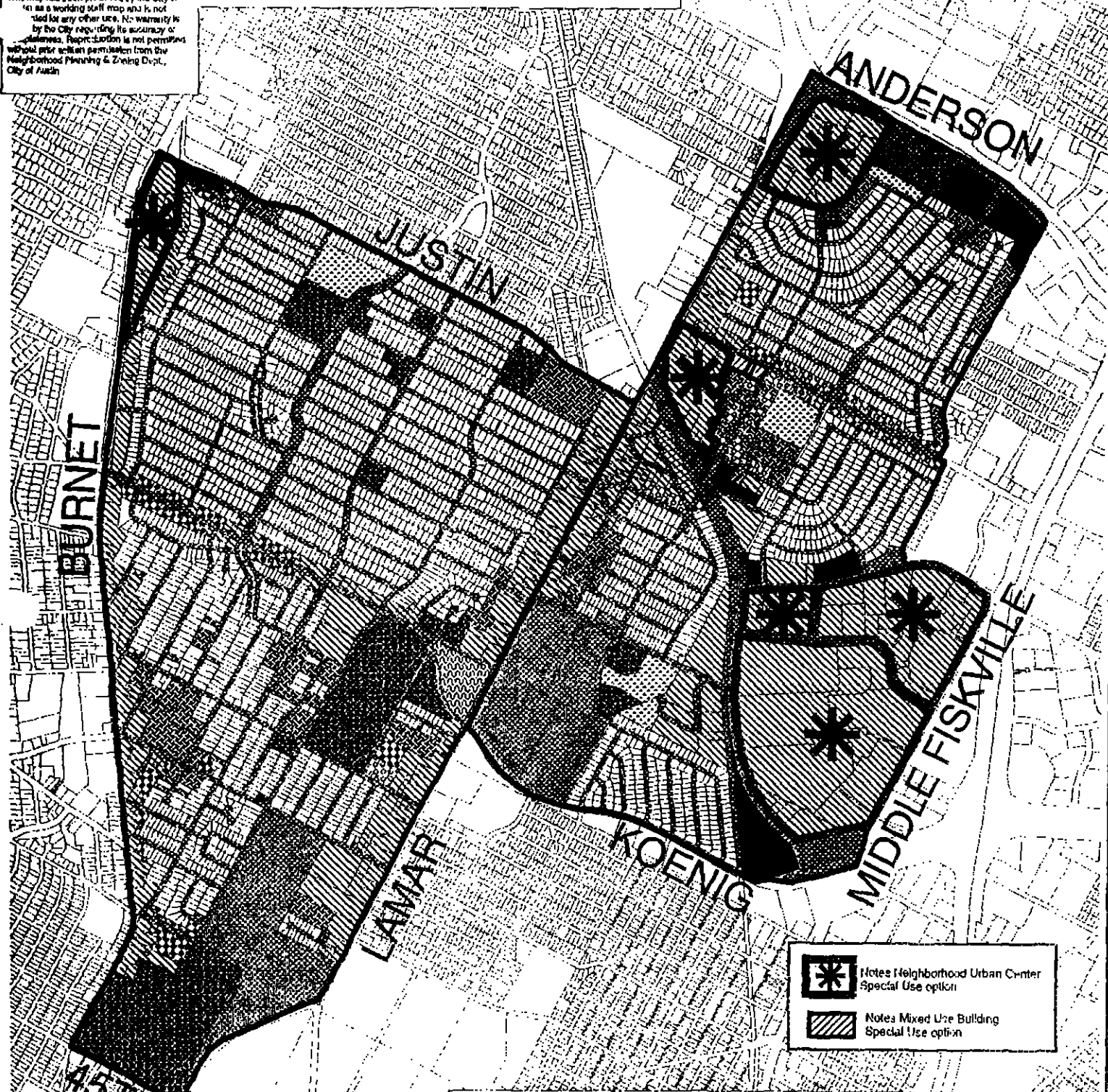
August 3, 2004  
NPZD  
City of Austin



# Brentwood/ Highland Neighborhood Planning Area Adopted Future Land Use Map

A comprehensive plan that not only sets  
policy regulations, it establishes zoning  
district boundaries.

This map has been produced by the City of  
Austin as a working staff map and is not  
intended for any other use. No warranty is  
made by the City regarding its accuracy or  
contents. Reproduction is not permitted  
without prior written permission from the  
Neighborhood Planning & Zoning Dept.,  
City of Austin.



Notes: Neighborhood Urban Center  
Special Use option

Notes: Mixed Use Building  
Special Use option

### Land Use Categories

Single Family	Mixed Use/Office
Higher Density Single Family	Civic
Multi-family	Recreation & Open Space
Commercial	Transportation
Mixed Use	Utilities
Office	

Combined Brentwood/ Highland NP area

Adopted 5/13/2004  
NPZD  
City of Austin

## **STAFF RECOMMENDATION**

**C14-04-0012.003**

Staff recommends community commercial-mixed use-conditional overlay-neighborhood plan combining district zoning (GR-MU-CO-NP). The CO would prohibit automotive rental, automotive repair services, automotive sales, automotive washing of any type, commercial off street parking, drop off recycling collection facility, exterminating services, off site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, plant nursery, service station, and drive in services as an accessory use.

## **BACKGROUND**

The property owner for this property did not participate in the planning process. During the Brentwood/Highland combined neighborhood planning process consensus was reached to designate the entirety of Burns Street (from Denson Drive to Lamar Place) for multifamily land use. The purpose of this land use designation and subsequent rezonings was to provide a transition of zoning and development intensities between North Lamar Boulevard and the residential area to the east.

At first ordinance reading at City Council, for the Neighborhood Plan adoption and rezonings, the property owner addressed City Council with a request for commercial zoning on 6225 North Lamar (the adjacent property to the north of the subject property) and for the subject property. At second ordinance reading the Council changed the future land use map to reflect the commercial mixed-use request for both properties and directed Staff to initiate a rezoning 6208 Burns (since it was not currently part of the neighborhood plan rezoning application). On third ordinance reading the commercial mixed use land designation was adopted with the neighborhood plan for 6225 North Lamar and 6208 Burns Street and staff proceed one month later with initiating this rezoning request for 6208 Burns Street.

## **BASIS FOR RECOMMENDATION**

1. Zoning should be consistent with and adopted neighborhood plan. The future land use designation for this property is commercial mixed use.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is largely undeveloped. It contains three metal storage sheds that serve the retail business existing on the adjacent lot to the west. There is also a unofficial, unpaved, driveway providing access from the retail business on the adjacent lot to the west to Burns and Hammock Streets.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%. 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. Therefore, the zoning impervious cover regulation applies.

## **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. 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.

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

## **Transportation**

The traffic impact analysis for this site was waived because city initiated case.

The trip generation under the requested zoning is estimated to be 1996 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).

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

There are existing sidewalks along portions of Burns Street; not existing in the block of the subject property.

Burns Street is not classified in the Bicycle Plan.

Capital Metro bus service is available one block west of Burns Street along Lamar Boulevard.

Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>
Burns Street	60'	35'	Local

## **Water and Wastewater**

The area is served 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 for a site, or development, or subdivision, or land use, 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.

### **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**

The site is subject to compatibility standards on the east and south. Along the south property lines, 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.

### **DEPARTMENT COMMENTS**

City staff facilitated a meeting on July 21, 2004 for the property owner and neighbors. At that meeting all parties shared their issues concerning the development of the property. The limiting issue is commercial access to Burns Street. While the owner was willing to prohibit additional uses (general restaurant, limited restaurant, indoor sports and recreation, indoor entertainment, and research services) per the neighborhoods request, contingent on retaining commercial access to Burns Street.

In addition the property owner agreed to also prohibit those uses on the back portion of the adjacent lot to the north (which is currently zoned GR-MU-CO-NP). However, again, contingent upon retaining access to Burns Street from both properties.

Per conversations with the property owner, it is staff's understanding that the owner wishes to develop a Interior Design Center on this property combined with the lot to the north and the lots directly to the west of the property. Currently there exists and window covering business, he wishes to expand to include new buildings with uses such as carpet sales, framing shops, and accent furniture type retail.

Lastly, the owner suggests that without commercial access to Burns Street the building and parking placement for the Design Center would be limited and more costly.

## PETITION

Case Number:

**C14-04-0012.003**

Date:

Sept. 21, 2004

Total Area within 200' of subject tract: (sq. ft.)

202,603.72

1	<u>02-2908-0462</u>	<u>HEMINGSON DAN T</u>	<u>1,349.02</u>	<u>0.67%</u>
		<u>CASTILLO ROSS &amp;</u>		
2	<u>02-2908-0501</u>	<u>CHRISTINE A</u>	<u>13,127.99</u>	<u>6.48%</u>
3	<u>02-2908-0502</u>	<u>LINDSEY MARK H</u>	<u>8,311.45</u>	<u>4.10%</u>
		<u>HEMINGSON DAN</u>		
4	<u>02-2908-0503</u>	<u>THOMAS</u>	<u>6,471.40</u>	<u>3.19%</u>
5	<u>02-2908-0521</u>	<u>SCHKADE FLOYD W</u>	<u>3,392.16</u>	<u>1.67%</u>
6	<u>02-2908-0608</u>	<u>MITCHELL HUGH T</u>	<u>8,293.70</u>	<u>4.09%</u>
7	<u>02-2908-0610</u>	<u>CHAPMAN WILBUR K</u>	<u>8,635.71</u>	<u>4.26%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:

Stacy Meeks

Total Area of Petitioner:

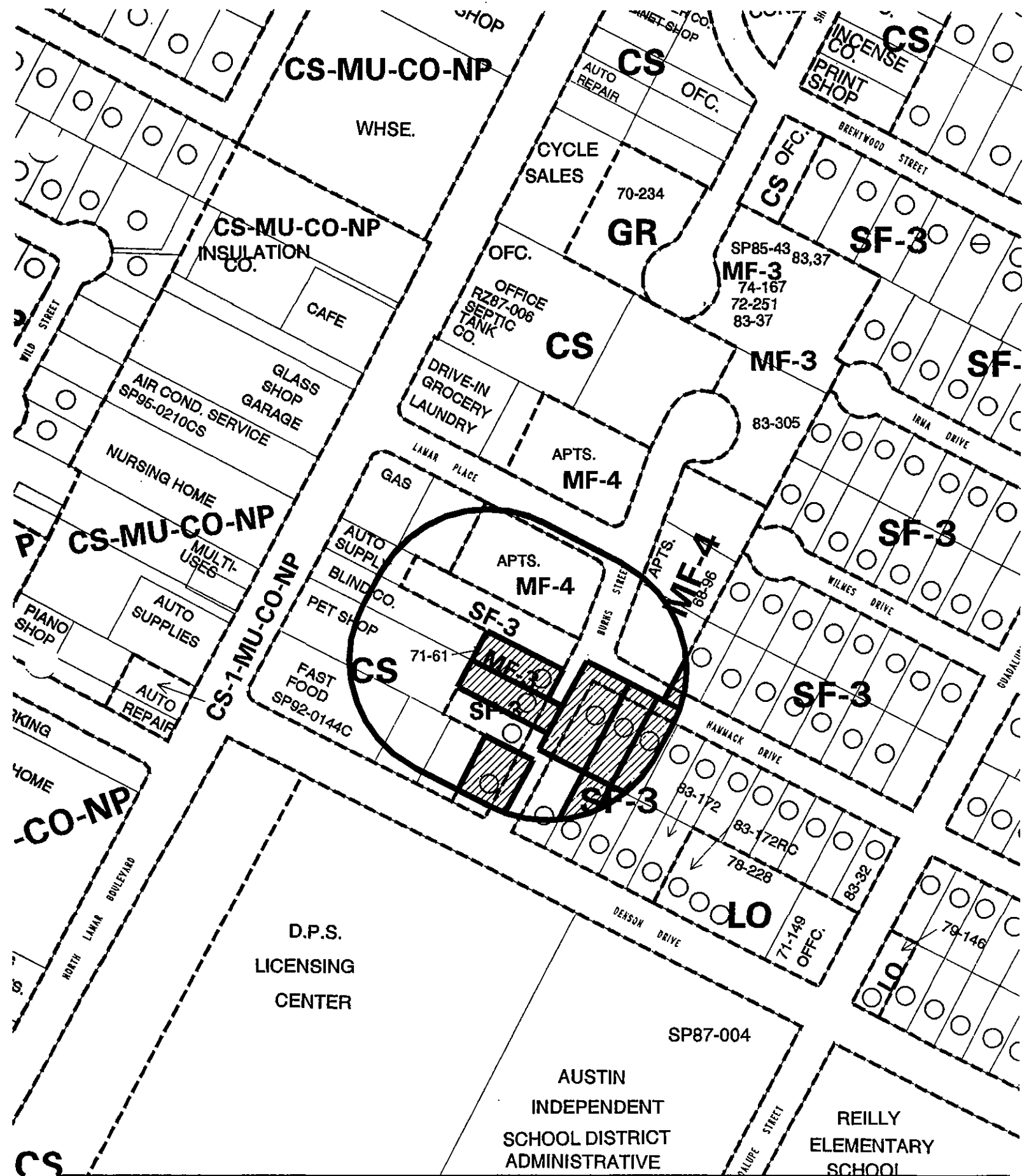
49,581.43

Total %

24.47%

*Exhibit A (1 of 3)*





SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: A. BEAUDET



CASE #: C14-04-0012.003  
ADDRESS: 6208 BURNS ST  
SUBJECT AREA (acres): 0.174

PETITIONS

DATE: 04-09

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

K27

(2 of 3)

1"=200'

A7

PETITIONDate: Monday, August 09, 2004File Number: C14-04-0012.003Address of Rezoning Request:  
6208 Burns St.  
Austin, TX 78752

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than MF-3 that would allow commercial access to Burns St.

Commercial access to Burns will negatively affect the residential character and safety of Burns and Hammock neighborhood. This will also set a precedence that could damage the residential fabric of the city of Austin.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address	
<i>[Signature]</i>	Gary Gregson	612 Hammock Dr	3 not owners TRA
<i>[Signature]</i>	Shane B. B. B.	6204 Burns	
<i>[Signature]</i>	H. T. Mitchell III	6206 Burns	
<i>[Signature]</i>	Dan Hemmingson	614/617 Hammock Dr	
<i>[Signature]</i>	Mark Lindsey	619 Hammock Dr	
<i>[Signature]</i>	Wilbur R. Chapman	700 Denson Dr	
<i>[Signature]</i>	Tom Sansing	610, 612 Hammock	
<i>[Signature]</i>	Ted O'Brien	613 Hammock	
<i>[Signature]</i>	Ross Caelli	621 Hammock Dr	
<i>[Signature]</i>	Elida Herrera	Representative of Chelsea Bayden Corp's Ownership	
		6408 Burns St	
		6309 Burns St	
		102 Lamar Pl	
		6505 Shurley Pl	
		109 Lamar Pl	
<i>[Signature]</i>	David Ackerman	615 Hammock	
<i>[Signature]</i>	Floyd W. Schrade	618 Denson	
<i>[Signature]</i>	DEAN LUPUL	620 Denson	

Date: Monday, August 09, 2004Contact Name: Hugh T. Mitchell, IIIPhone Number: (512) 407-8324

(3 of 3)

P E T I T I O N

To: Austin City Council

Date: Monday, August 23, 2004

We, the undersigned owners and residents of property affected by the zoning changes applied and proposed to the 6208 and 6210 Burns lots, do hereby protest against changes of the Land Development Code which would zone the property to allow commercial access to our neighborhood streets.

The Burns and Hammack area of the Highland neighborhood is already suffering from uncontrolled cut through traffic. The 'no trucks' and 'stop' signs posted to help control traffic are routinely ignored by commercial trucks and cut-through traffic that is usually speeding. These small residential streets have no sidewalks and are routinely used by mothers with strollers and unescorted children to and from the elementary school one block away.

Commercial access on Burns will negatively affect the residential character and safety of the Burns and Hammack area of the Highland neighborhood. This also sets a precedent that could damage the residential fabric of the city of Austin. We need more traffic control, not more traffic.

We ask that you deny the zoning change for 6208 Burns and direct staff to initiate action that will allow you to reconsider 6208 and 6210 Burns together.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<i>Joe Hollingshead</i>	JOE HOLLINGSHEAD	609 HAMMACK
<i>Kristen Schmidt</i>	Kristen Schmidt	604 Hammack
<i>John B. Culp</i>	John B. Culp	605 Hammack
<i>Bryan Shepherd</i>	BRYAN SHEPHERD	6208 GUADALUPE
<i>Ralph Arevalo</i>	RALPH AREVALO	612 DENSON DR.
<i>Anna Yost</i>	Anna Yost	614 DENSON DR.
<i>Michael Yost</i>	Michael Yost	614 DENSON DR.
<i>Gary Gresham</i>	Gary Gresham	612 Hammack Dr.
<i>Mary Burnett</i>	Mary Burnett	617 HAMMACK DR.
<i>Robert Burnett</i>	Robert Burnett	617 Hammack Dr.
<i>David Ray</i>	DAVID RAY	611 HAMMACK DR.
<i>Dan Hemmingson</i>	Dan Hemmingson	614 Hammack Dr.

Exhibit B (1 of 3)

P E T I T I O N

To: Austin City Council

Date: Monday, August 23, 2004

We, the undersigned owners and residents of property affected by the zoning changes applied and proposed to the 6208 and 6210 Burns lots, do hereby protest against changes of the Land Development Code which would zone the property to allow commercial access to our neighborhood streets.

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
<i>[Signature]</i>	TERESA Bautista	6309 Burns #316
<i>[Signature]</i>	ALBERT VILLARREAL	6603 GUADALUPE
<i>[Signature]</i>	Brian Jacobsen	709 Lamar #102
<i>[Signature]</i>	Martus Weinbrecht	709 Lamar Pl #204
<i>[Signature]</i>	Curt Andersen	709 Lamar Pl #215
<i>[Signature]</i>	Julie Weinbrecht	709 Lamar Pl #215
<i>[Signature]</i>	Oscar S. Caderra	712 Lamar Pl #201
<i>[Signature]</i>	Melanie Burden	721 Lamar Place #106
<i>[Signature]</i>	Nora C. Hagginsworth	721 Lamar Place #202
<i>[Signature]</i>	Stanford Thompson	721 Lamar Place #202
<i>[Signature]</i>	Julia B. Head	6206 Burns St
<i>[Signature]</i>	Shane Burman	6204 Burns
<i>[Signature]</i>	Ross Castillo	621 Hammack Dr

P E T I T I O N

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We, the undersigned owners and residents of property affected by the zoning changes applied and proposed to the 6208 and 6210 Burns lots, do hereby protest against changes of the Land Development Code which would zone the property to allow commercial access to our neighborhood streets.

The Burns and Hammack area of the Highland neighborhood is already suffering from uncontrolled cut through traffic. The 'no trucks' and 'stop' signs posted to help control traffic are routinely ignored by commercial trucks and cut-through traffic that is usually speeding. These small residential streets have no sidewalks and are routinely used by mothers with strollers and unescorted children to and from the elementary school one block away.

Commercial access on Burns will negatively affect the residential character and safety of the Burns and Hammack area of the Highland neighborhood. This also sets a precedent that could damage the residential fabric of the city of Austin. We need more traffic control, not more traffic.

We ask that you deny the zoning change for 6208 Burns and direct staff to initiate action that will allow you to reconsider 6208 and 6210 Burns together.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Ted O'Brien	613 Hammack
	Tex Mitchell	6206 Burns (owner)
	Delia de la Garza	6309 Burns 301
	Alfredo C. Romero	6309 Burns St #108
	Erika Morales	6309 Burns St #110
	Erika Morales	6309 Burns St #204
	Yecenia Contreras	6309 Burns St #113
	Rudy Constante	6309 Burns St #214
	GERARDO RUIZ	6309 Burns St #212
	Luis A. Torres	6309 Burns #212
	Hipolita Darcenas	6309 Burns #213
	Ruby J. Smith	6309 Burns St #213
	Clayton W. Wyszch	6309 Burns St #303
	Marcos Estrada	6309 Burns #307
	Guadalupe I. Vonnepineda	6309 Burns #203
	Gady Crawford	6309 Burns Apt #306
	Linda Herrera	6309 Burns St #115
	Rose Lazdowski	6309 Burns St #215

**MEETING SUMMARY**

- 6. Amended Plat:** **C8-04-0105.0A - Austin Heights Lots 15 & 16, Block 2; Amended Plat**
- Location: 2807 E. 22nd St., Boggy Creek Watershed, Rosewood NPA
- Owner/Applicant: Albert M. Martinez
- Agent: Albert M. Martinez
- Request: Approval of the Austin Heights Lot 15 & 16, Block 2; Amended Plat
- Staff Rec.: **DISAPPROVAL**
- Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us  
Watershed Protection and Development Review

**MOTION: APPROVE BY CONSENT.**

**VOTE: 8-0 (DS-1<sup>st</sup>, JMC-2<sup>nd</sup>)**

- 7. Zoning:** **C14-04-0012.003 - Brentwood/Highland Neighborhood Plan (PART)**
- Location: 6208 Burns Street, Waller Creek Watershed, Brentwood/Highland NPA
- Owner/Applicant: Applicant: City of Austin Owner: Ken McWilliams
- Agent: City of Austin Neighborhood Planning & Zoning Department
- Request: MF-3-NP to GR-MU-CO-NP
- Staff Rec.: **RECOMMENDED**
- Staff: Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us  
Neighborhood Planning and Zoning

Annick Beaudet, Neighborhood Planning and Zoning Department, presented the zoning case. The zoning request is from MF-3-NP to GR-MU-CO-NP. The Conditional Overlay includes the following prohibited uses – auto repair, auto rental, sales and washing, commercial off-street parking, drop-off recycling, exterminating services, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, plant nursery, service station and drive-in services as an accessory use.

During the Neighborhood Planning process the neighborhood and staff recommended multi-family zoning for the entirety of the street from Denson to Lamar Place. The property owner did not participate in the neighborhood planning process and at first reading at Council the property owner requested that the subject tract and property to the north be rezoned GR-MU to allow an existing business to expand. At final reading the Council changed the FLUM for both the adjacent property and the subject property to show commercial use and changed zoning on the adjacent lot to the north to GR-MU. Zoning on the subject tract was not changed because it was not notified and the MF-3 zoning remained. The basis for the staff recommendation is the revised FLUM approved by the Council.

Commissioner Sullivan asked if the property to the north was zoned GR-MU-CO prior to the neighborhood plan.

Ms. Beaudet replied that the property to the north was zoned SF-3 and the recommendation of the NP was to rezone to MF-3 but Council approved GR-MU-CO-NP.

## MEETING SUMMARY

### *Speaking in Favor*

Jim Bennett, on behalf of the owner Ken McWilliams, stated that the owner requested rezoning for a design center at Council during the NP process, Council recommended GR-MU for the northern property and directed staff to initiate zoning for the subject tract. He requested that the Commission recommend the GR zoning consistent with the Council adopted FLUM.

Commissioner Sullivan asked whether the owner has to have access to Burns Street.

Mr. Bennett replied that due to the configuration of the lot (54'x 425') and the compatibility standards access is needed to permit flexibility in designing the proposed improvements. He stated that they are willing to try to consolidate the current two driveways into one and close access when the business is not open.

### *Speaking Against*

Jeffrey Hitt recapped the zoning history for the site. The site and property to the north was originally zoned SF-3, staff recommended MF-3 and through a lot of discussion the neighborhood eventually agreed with MF-3. During the NP process there was no discussion of commercial zoning for the properties and the GR zoning was applied to 6210 Burns at the City Council. The neighborhood was not aware of the rezoning because it was notified as 6225 N. Lamar Blvd and the neighborhood did not oppose the zoning because they accepted commercial zoning on N. Lamar. The neighborhood could accept the zoning if access to Burns is prohibited and additional uses are prohibited:

- General Restaurant
- Limited Restaurant
- Indoor sports and recreation
- Indoor entertainment
- Research Services

He also asked the Commission to direct staff to initiate a zoning change to apply the same conditions to 6210 Burns/6225 N. Lamar.

Commissioner Reddy asked whether the neighborhood had discussed the access issue with the applicant.

Mr. Hitt replied they had and could not come to agreement.

### *Other Speakers Against*

Dan Hemingson  
Tex Mitchell

**MEETING SUMMARY*****Rebuttal***

Jim Bennett stated that it use of the property for cut through traffic is unlikely unless you live in the neighborhood and truck traffic to the site will be minimal. The owner is willing to work to minimize impacts and they are willing to try to reduce two access points on Burns to one if possible.

***MOTION: CLOSE PUBLIC HEARING***

***VOTE: 8-0 (MH-1<sup>st</sup>, JMC-2<sup>nd</sup>)***

Commissioner Moore made a motion to approve staff recommendation and Commissioner Reddy seconded the motion.

Commissioner Moore stated that the opposition is almost solely based on perceived traffic impacts and that he does not believe these are significant.

Commissioner Reddy stated that limiting access to the site will not effectively address traffic issues in the area.

Commissioner Medlin stated she would not support the motion and believes that the Council should hear the new evidence in this case.

Commissioners Cortez and Hollon both indicated they would not support the motion.

Commissioner Sullivan stated that the original recommendation was MF-3 but given the Council decision and the potential to improve the site he could support the motion.

Commissioner Riley stated that he would respect the Council's decision and support the motion.

***MOTION: APPROVE THE STAFF RECOMMENDATION***

***VOTE: 5-3 (MM-1<sup>st</sup>, JR-2<sup>nd</sup>, AGAINST-CM, JMC, MH)***

Commissioner Cortez requested staff to place an item on the next Commission agenda to consider initiating zoning for the property to the north of the subject tract.

After extended discussion Commissioner Hollon respectfully objected to this request and the request did not move forward.



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

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 6208 BURNS STREET IN THE HIGHLAND  
3 NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MEDIUM  
4 DENSITY-NEIGHBORHOOD PLAN (MF-3-NP) COMBINING DISTRICT TO  
5 COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-  
6 NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

9  
10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from multifamily residence medium density-neighborhood plan  
12 (MF-3-NP) combining district to community commercial-mixed use-conditional overlay-  
13 neighborhood plan (GR-MU-CO-NP) combining district on the property described in  
14 Zoning Case No. C14-04-0012.003, on file at the Neighborhood Planning and Zoning  
15 Department, as follows:

16  
17 Lot 2, Edgar S. Daugherty Subdivision, a subdivision in the City of Austin, Travis  
18 County, Texas, according to the map or plat of record in Plat Book 53, Page 38, of  
19 the Plat Records of Travis County, Texas, (the "Property")

20  
21 locally known as 6208 Burns Street, located in the Highland neighborhood plan area, in the  
22 City of Austin, Travis County, Texas, and generally identified in the map attached as  
23 Exhibit "A".

24  
25 PART 2. The Property is subject to Ordinance No. 040513-33B that established the  
26 Highland neighborhood plan combining district.

27  
28 PART 3. The following applies to an existing legal lot with single-family residential use  
29 or secondary apartment special use within the boundaries of the NP combining district:

- 30  
31 1. The minimum lot area is 2,500 square feet.  
32  
33 2. The minimum lot width is 25 feet.  
34  
35 3. For a lot with an area of 4,000 square feet or less, the impervious coverage may  
36 not exceed 65 percent.

**PART 4.** The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP combining district:

1. Front porch setback applies as set forth in Section 25-2-1602 of the Code.
2. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.

**PART 5.** 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 a commercial use.
2. The following uses are prohibited uses of the Property:

Automotive rental  
Automotive sales  
Commercial off-street parking  
Exterminating services  
Outdoor entertainment  
Pawn shop services  
Service station

Automotive repair services  
Automotive washing (of any type)  
Drop-off recycling collection facility  
Off-site accessory parking  
Outdoor sports and recreation  
Plant nursery

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

**PART 6.** This ordinance takes effect on \_\_\_\_\_, 2004.

**PASSED AND APPROVED**

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

§  
§  
§  
§

Will Wynn  
Mayor

**APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk

