

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 46
AGENDA DATE: Thu 11/04/2004
PAGE: 1 of 1

SUBJECT: C14-04-0133 - Lamar Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11800 North Lamar Boulevard (Walnut Creek Watershed) from development reserve (DR) district zoning and limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on October 21, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by City Council at first ordinance reading. Applicant: Lamar Ventures Partnership, Ltd. Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057. Note: A valid petition has been submitted in opposition to this rezoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0133

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 11800 North Lamar Boulevard from DR, Development Reserve District, zoning and LO, Limited Office District, zoning to GR-CO, Community Commercial District, zoning.

PROPERTY OWNER: Lamar Ventures Partnership, Ltd.

AGENT: Crocker Consultants (Sarah Crocker)

ISSUES:

The staff received a petition from surrounding property owners on October 20, 2004. The petition has been verified by the GIS staff at 27.33 %. This valid petition against the rezoning of the property in question will require an affirmative vote of three-fourths of the members of Council to approve a proposed rezoning of these tracts.

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:*
 - (1) *the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
 - (2) *the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:*
 - (a) *included in the proposed change; or*
 - (b) *immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.*

DEPARTMENT COMMENTS:

The site under consideration is currently occupied with a cafe (Ross Café), two offices (All Save Auto Insurance and Travis County Emergency Services District 4), a vacant building, and a monument/retail sales use (Artcraft Monument Company). The property is developed with six separate structures built in a semi-circle. Some of the uses described above are located in one structure containing two separate suites. The applicant is requesting GR, Community Commercial District, zoning for the site to bring the existing uses on the property into conformance with the City of Austin Land Development Code.

The staff recommends GR-CO zoning for the first 400-feet of the property (Tract1) and LO-CO for the remaining 360-feet of the site (Tract 2). The proposed 400-foot depth limit for Tract 1 is

consistent with the location of existing commercial buildings to the north and south of this site. The staff recommends GR-CO zoning for Tract 1 because the proposed zoning will allow for commercial development with frontage on North Lamar Boulevard, a major arterial roadway. The existing office, retail, and restaurant uses are consistent with adjacent commercial development to the north, south, and east of this tract. The staff has recommended the same list of prohibited uses for Tract 1 that were approved in zoning case C14-03-0162, which rezoned the Ruff's Taqueria restaurant to the southeast of this site last year.

The proposed LO-CO zoning for Tract 2 will provide a transition in the intensity of uses to the west adjacent to the Walnut Creek residential neighborhood. In addition, Limited Office zoning on Tract 2 will allow for a greater protection of trees and reduced impervious cover along the Walnut Creek tributary.

The North Lamar Area Study recommends LO, Limited Office District, zoning for the properties in this area. However, the North Lamar Area Study has not been strictly upheld along in this section of North Lamar Boulevard, as intensive commercial uses have developed along the frontage of this arterial roadway.

DATE OF FIRST READING/VOTE: October 21, 2004/ Approved staff's recommendation of GR-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with additional condition of 'LR' district development standards for Tract 1 (7-0)

CITY COUNCIL DATE: November 4, 2004

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Gager

PHONE: 974-3057
sherri.gager@ci.austin.tx.us

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 11800 NORTH LAMAR BOULEVARD FROM
3 DEVELOPMENT RESERVE (DR) DISTRICT AND LIMITED OFFICE (LO)
4 DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-
5 CO) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-
6 CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT
7 TWO.

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

10
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base districts on the property described in Zoning Case No. C14-04-0133, on
13 file at the Neighborhood Planning and Zoning Department, as follows:

14
15 Tract One: From development reserve (DR) district and limited office (LO) district
16 to community commercial-conditional overlay (GR-CO) combining district.

17
18 A 3.797 acre tract of land, more or less, out of Lots 5 and 6, Frank Stark
19 Subdivision in Travis County, the tract of land being more particularly described
20 by metes and bounds in Exhibit "A" incorporated into this ordinance; and

21
22 Tract Two: From development reserve (DR) district and limited office (LO) district
23 to limited office-conditional overlay (LO-CO) combining district.

24
25 A 2.801 acre tract of land, more or less, out of Lots 5 and 6, Frank Stark
26 Subdivision in Travis County, the tract of land being more particularly described
27 by metes and bounds in Exhibit "B" incorporated into this ordinance, (the
28 "Property")

29
30 locally known as 11800 North Lamar Boulevard, in the City of Austin, Travis County,
31 Texas, and generally identified in the map attached as Exhibit "C".

32
33 **PART 2.** The Property within the boundaries of the conditional overlay combining district
34 established by this ordinance is subject to the following conditions:

- 35
36 1. A site plan or building permit for the Property may not be approved, released, or
37 issued, if the completed development or uses of the Property, considered cumulatively

1 with all existing or previously authorized development and uses, generate traffic that
2 exceeds 2,000 trips per day.

3
4 2. Development of Tract One shall comply with neighborhood commercial (LR) site
5 development regulations.

6
7 3. Drive-in service is prohibited as an accessory use to a restaurant (general) use and a
8 restaurant (limited) use of Tract One.

9
10 4. The following uses are prohibited uses of Tract One:

11	Automotive rentals	Automotive repair services
12	Automotive sales	Automotive washing (of any type)
13	Business or trade school	Business support services
14	Commercial off-street parking	Consumer repair services
15	Exterminating services	Financial services
16	Food sales	Funeral services
17	General retail sales (general)	Hotel-motel
18	Indoor entertainment	Indoor sports and recreation
19	Off-site accessory parking	Outdoor sports and recreation
20	Pawn-shop services	Pet services
21	Research services	Service station
22	Theater	Community recreation (private)
23	Community recreation (public)	Congregate living
24	College and university facilities	Guidance services
25	Hospital services (limited)	Private secondary educational facilities
26	Residential treatment	

27
28
29 Except as specifically restricted under this ordinance, the Property may be developed and
30 used in accordance with the regulations established for the respective base district and
31 other applicable requirements of the City Code.

1
2 **PART 3.** This ordinance takes effect on _____, 2004.
3

4
5 **PASSED AND APPROVED**
6

7 §
8 §
9 _____, 2004 § _____
10

11 Will Wynn
12 Mayor
13

14 **APPROVED:** _____ **ATTEST:** _____
15 David Allan Smith Shirley A. Brown
16 City Attorney City Clerk

FIELD NOTES
FOR

TRACT 1 - 3.797 ACRES

EXHIBIT A

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF LOTS 5 AND 6, FRANK STARK SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½ inch iron pipe found at the Northeast corner of said Lot 5, being at the Southeast corner of Lot 2, Ramzel Subdivision, a subdivision recorded in Plat Book 91, Pages 336 And 337 of the Plat Records of Travis County, Texas, being in the West r.o.w. line of North Lamar Boulevard (State Hwy No. 2) as shown on the subdivision plats recorded in Plat Book 4, Page 199 and Plat Book 91, Pages 336 and 337;

THENCE along the North line of said Lot 5, being along the South line of said Lot 2, N 61°56'14" W for a distance of 22.54 feet to a point on the West r.o.w. line of North Lamar Boulevard (State Hwy No. 2), as claimed by the Texas State Highway Department; said point being on a water meter, for the Northeast corner and PLACE OF BEGINNING hereof;

THENCE over and across said Lots 5 and 6, being along the West r.o.w. line of North Lamar Boulevard (State Hwy No. 2) as claimed by the Texas State Highway Department, for the following courses:

S 23°08'53" W for a distance of 59.09 feet to a ½ inch capped iron pin set

S 19°59'12" W for a distance of 98.01 feet to a ½ inch capped iron pin set

S 18°41'27" W for a distance of 272.48 feet to a ½ inch capped iron pin set in the North line of Lot 1, Resub. Lot 6, Frank Stark Subdivision, a subdivision recorded in Plat Book 51, Page 88 of the Plat Records of Travis County, Texas, for the Southeast corner hereof and from which point a ½ inch iron pin found at the Northeast corner of said Lot 1 bears S 61°35'00" E for a distance of 5.11 feet;

THENCE along the South line of the herein described tract, for the following courses:

N 61°35'00" W for a distance of 63.85' to an angle point

N 27°16'43" E for a distance of 85.19' to an angle point

N 62°43'17" W for a distance of 51.91' to an angle point

S 27°16'43" W for a distance of 20.10' to an angle point

N 62°43'17" W for a distance of 22.79' to an angle point

FIELD NOTES
FOR

TRACT 1 - 3.797 ACRES - Page Two

S 27°16'43" W for a distance of 63.60' to an angle point

N 61°35'00" W for a distance of 267.27 feet to a point for the Southwest corner hereof;

THENCE along the West line of the herein described tract for the following courses:

N 18°41'27" E for a distance of 208.44 feet to an angle point

N 19°59'12" E for a distance of 113.57 feet to an angle point

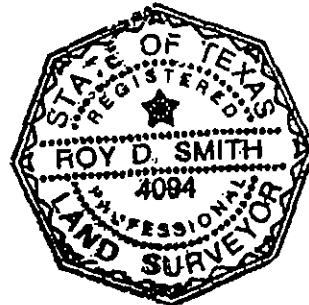
N 23°08'53" E for a distance of 104.52 feet to a point in the North line of said Lot 5 for the Northwest corner hereof;

THENCE along the North line of said Lot 5, S 61°56'14" E at a distance of 401.47 to the PLACE OF BEGINNING and containing 3.797 acres of land, more or less.

SURVEYED BY:
Roy D. Smith Surveyors, P.C.



ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
September 28, 2004



Frank Stark Sub.

C14-04-0135
TRACT 2
NO-COMPLET 30/1/18

FIELD NOTES
FOR

TRACT 2 - 2.801 ACRES

EXHIBIT B

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF LOTS 5 AND 6, FRANK STARK SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, THE HERE IN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron pipe found in the West line of said Lot 6, being at the Northwest corner of Lot 2, Resub. Lot 6, Frank Stark Subdivision, a subdivision recorded in Plat Book 51, Page 88 of the Plat Records of Travis County, Texas, for the Southwest corner and PLACE OF BEGINNING hereof;

THENCE along the West lines of said Lots 5 and 6 for the following courses:

N 27°19'00" E for a distance of 21.53 feet to a ½ inch capped iron pin set

N 21°32'00" E for a distance of 70.90 feet to a ½ inch capped iron pin set

N 40°07'00" E for a distance of 167.10 feet to a ½ inch capped iron pin set

N 25°42'00" E for a distance of 152.80 feet to a ½ inch capped iron pin set

N 15°47'11" E for a distance of 12.37 feet to a ½ inch capped iron pin set at the Northwest corner of said Lot 5, being at the Southwest corner of Lot 1, Ramzel Subdivision, a subdivision recorded in Plat Book 91, Page 336 of the Plat Records of Travis County, Texas, for the Northwest corner hereof;

THENCE along the North line of said Lot 5, S 61°56'14" E for a distance of 257.94 feet to a point for the Northeast corner hereof;

THENCE along the East line of the herein described tract for the following courses:

S 23°08'53" W for a distance of 104.52 feet to an angle point

S 19°59'12" W for a distance of 113.57 feet to an angle point

S 18°41'27" W for a distance of 208.44 feet to a point in the North line of said Lot 2, Resub. Lot 6, Frank Stark Subdivision for the Southeast corner hereof;

FIELD NOTES
FOR

TRACT 2 - 2.801 ACRES - Page Two

THENCE along the North line of said Lot 2, N 61°35'00" W for a distance of 334.43 feet to the
PLACE OF BEGINNING and containing 2.801 acres of land, more or less.

SURVEYED BY:
Roy D. Smith Surveyors, P.C.

Roy D. Smith

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
September 28, 2004

Frank Stark Sub.

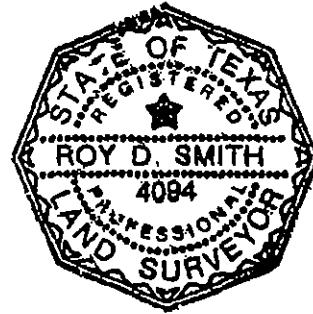
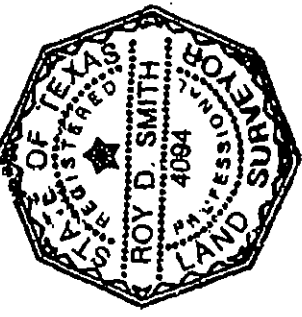
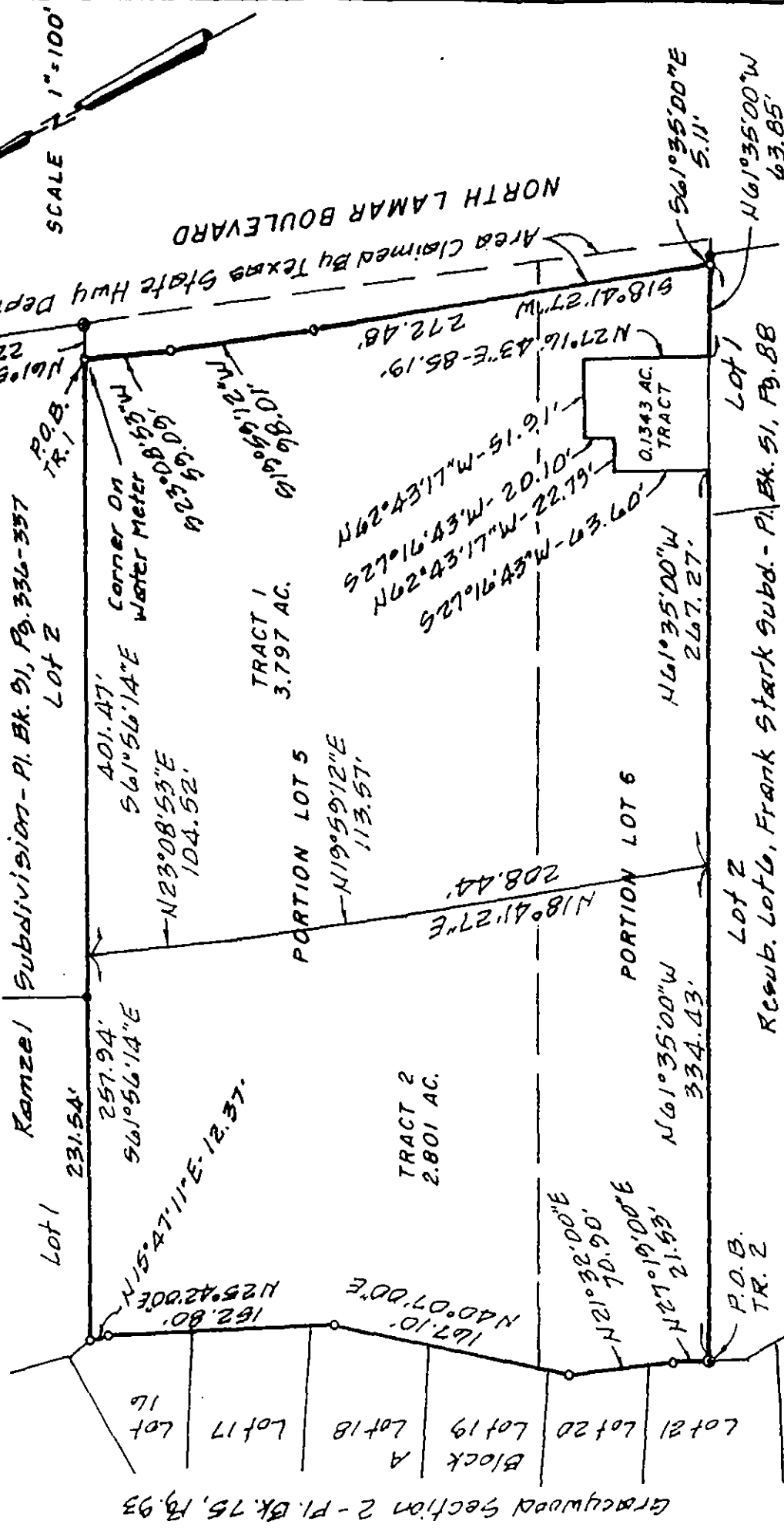


EXHIBIT TO ACCOMPANY FIELD NOTES FOR 3.797 AC. AND 2.801 AC. OUT OF LOTS 5 AND 6, FRANK STARK SUBDIVISION, A SUBDIVISION RECORDED IN PLAT BOOK 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



SURVEYED BY
ROY D. SMITH SURVEYORS, P.C.

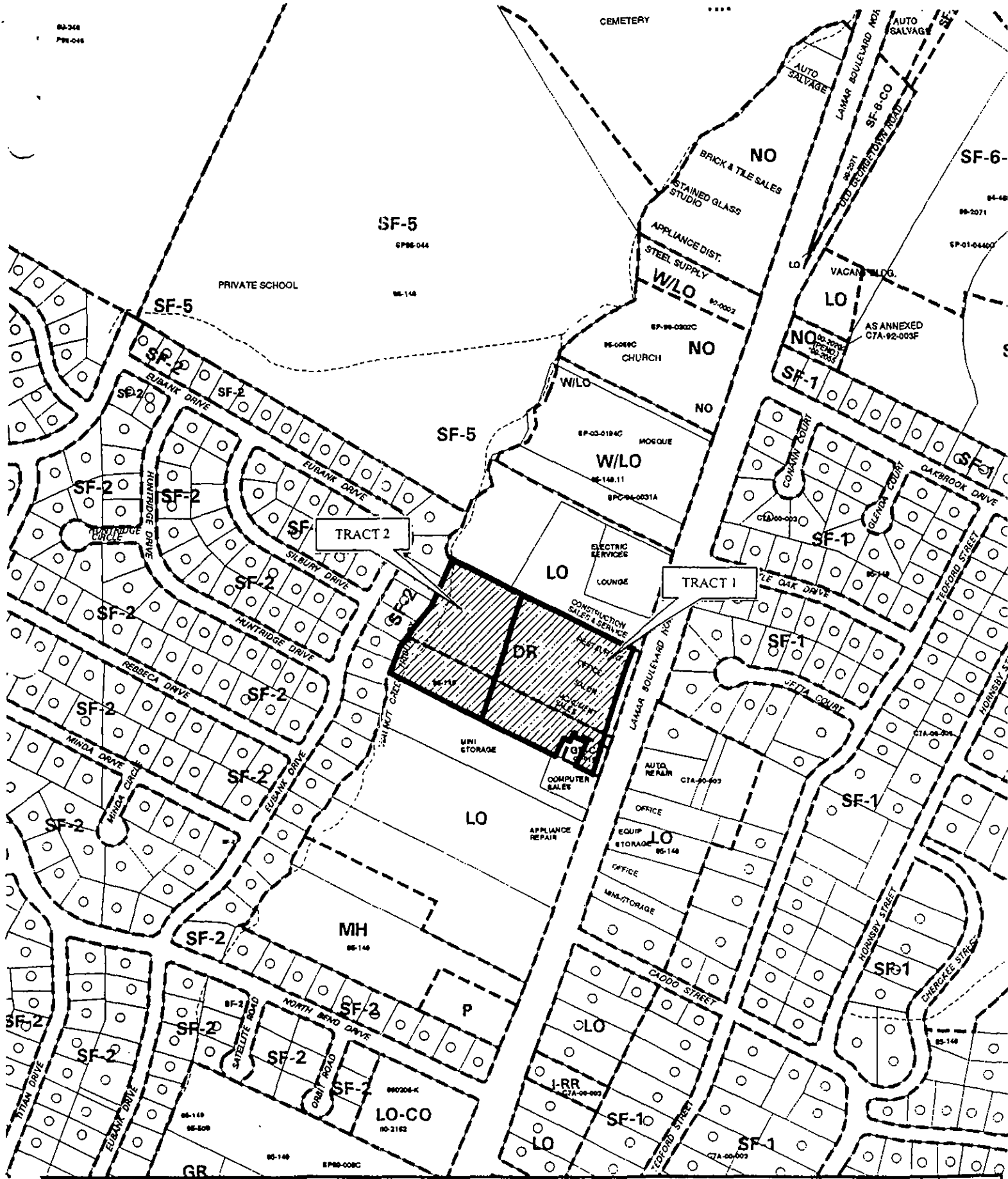
Roy D. Smith
ROY D. SMITH

Registered Professional Surveyor No. 4094
1214 West 5th Street Suite A
Austin, Tx. 78703 Ph. (512) 478-9821
September 28, 2004

LEGEND

- 1/2" Iron Pipe Found
- 1/2" Iron Pin Found
- 1/2" Iron Pin Set w/ Cap

Bearing Basis:
Subdivision Plat/ Pl. Bk. 51, Pg. 88



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT C		CITY GRID REFERENCE NUMBER M32
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-04-0133 ADDRESS: 11800 N LAMAR BLVD	DATE: 04-10	
	CASE MGR: S. GAGER	SUBJECT AREA (acres): 6.598	INTLS: SM	

PETITION

Case Number:

C14-04-0133

Date:

Oct. 20, 2004

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

581,515.98

1	02-5218-1101	LEWIS WILLIAM R	4,223.78	0.73%
2	02-5218-1212	STANFORD ROBERT		
		LEE & SUE ALIC	3,890.34	0.67%
3	02-5218-1309	WELLMAN MICHAEL T		
		& D RENEE	14,628.84	2.52%
4	02-5218-1310	GARCIA ROSA &		
		RAFAEL	14,526.66	2.50%
5	02-5218-1311	BICKFORD JAMES C	12,370.26	2.13%
		DABROWSKI IZABELLA		
6	02-5218-1312	M	13,130.22	2.26%
7	02-5218-1314	MOONEY ROGERS L	13,971.03	2.40%
		GUTHRIE BRIAN K &		
8	02-5220-0101	MELISSA L	14,884.76	2.56%
		ZIEGLER MANUEL &		
9	02-5220-0102	DIANA	18,390.69	3.16%
		BATES JIMMIE &		
10	02-5220-0108	VALEARA M	48,922.63	8.41%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%
28				0.00%

Validated By:

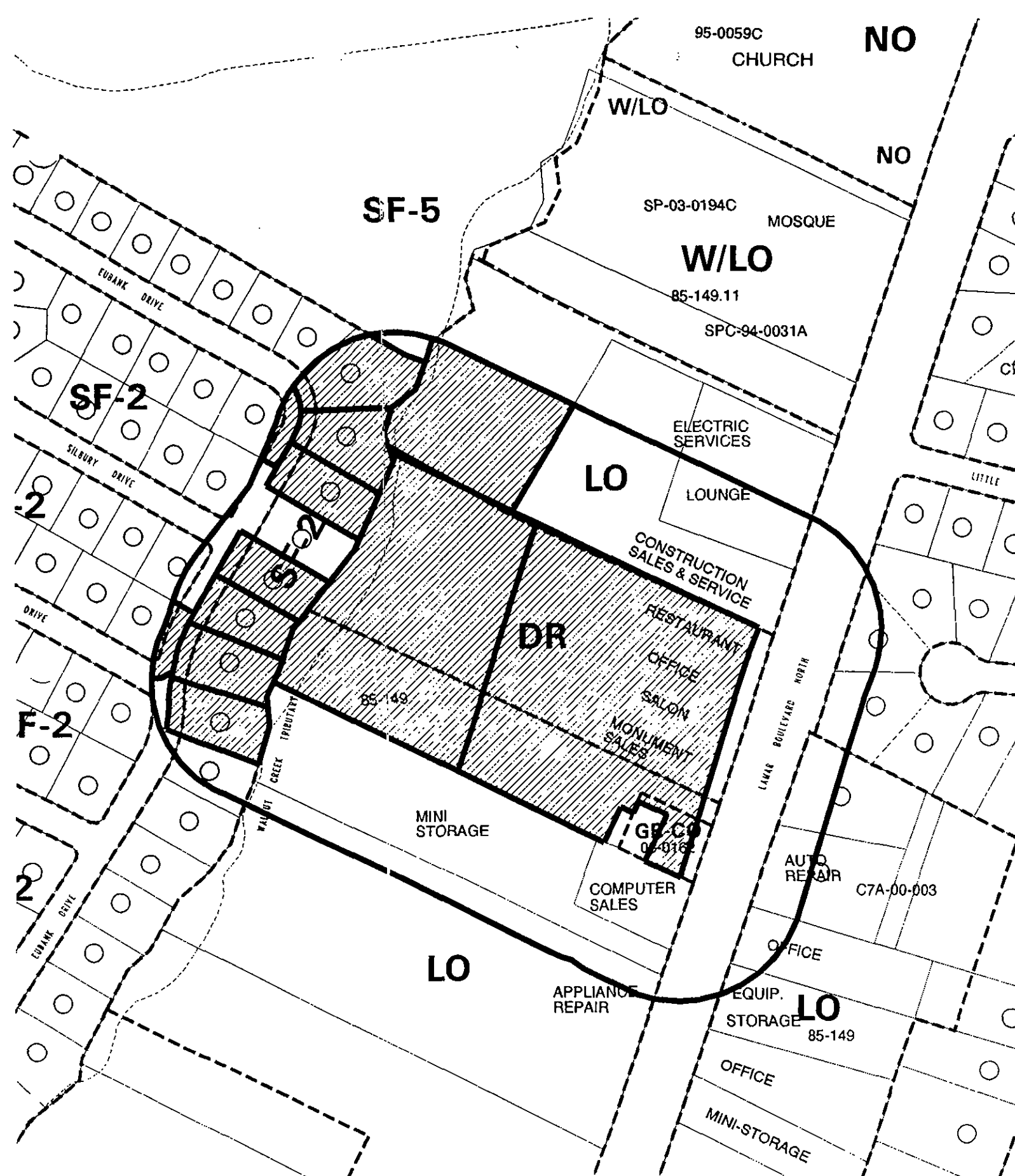
Stacy Meeks

Total Area of Petitioner:

158,939.21

Total %

27.33%



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: S. GAGER



CASE #: C14-04-0133
ADDRESS: 11800 N LAMAR BLVD
SUBJECT AREA (acres): 6.598

PETITIONS

DATE: 04-10
INTLS: SM

**CITY GRID
 REFERENCE
 NUMBER**
 M32

RECEIVED

OCT 19 2004

Neighborhood Planning & Zoning

PETITION

Date: October 7, 2004
File Number: C14-04-0133
Address of request 11800 North Lamar
Rezoning Request: From DR, LO, to GR
Or LO/GR

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 LO.

The GR zoning requested is not, by Austin standards, compatible up against neighborhood zoning of SF-2. This zoning change is also going against current LO zoning of adjacent properties established in the North Lamar Study. Environmental concerns are another reason for this protest as the property backs up against one of the Walnut Creek Tributaries and businesses listed in GR are not environmentally compatible with this creek.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u> <u>Voter Registration Number</u>	<u>Street Address</u> <u>City, State, Zip Code</u>
<u>Paul Astrenasy</u>	<u>Paul Astrenasy</u> # <u>83016995</u>	<u>11825 Eubank Dr.</u> <u>Austin, TX 78758</u>
<u>Nubia Askenasy</u>	<u>Nubia Askenasy</u> # <u>83017076</u>	<u>11825 Eubank Dr.</u> <u>Austin, TX 78758</u>
<u>Michael Weed</u>	<u>MICHAEL D. WEED</u> # <u>78032879</u>	<u>11822 EUBANK DR</u> <u>Austin, TX 78758</u>
<u>Sue Stanford</u>	<u>Sue Stanford</u> # <u>91011934</u>	<u>11816 Eubank Dr.</u> <u>Austin, TX 78758</u>
<u>Heleen Robinson</u>	<u>Heleen Robinson</u> # <u>75149407</u>	<u>11815 Eubank Dr</u> <u>Austin, TX 78758</u>
<u>Manuel Ziegler</u>	<u>MANUEL ZIEGLER</u> # <u>97020111</u>	<u>11813 EUBANK DR</u> <u>Austin, TX 78758</u>

Date: 10/16/04

Contact Name: Laric Amsler
Phone Number: 836-7673

RECEIVED**PETITION**

OCT 19 2004

Neighborhood Planning & Zoning

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Or LO/GR

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature**Printed Name
Voter Registration Number****Street Address
City, State, Zip Code**Mrs. William E. Hall# Mrs. William E. Hall902 Silbury
Austin, TX 78758Rafael M. Garcia# RAFAEL M. GARCIA
ROSA GARCIA
1142011801 EVANK DA
Austin, TX 78758Michael Wellman# Michael Wellman
25641711705 Eubank
Austin, TX 78758Marquita Moss# MARQUITA MOSS
752481911701 Eubank
Austin, TX 78758Wayne Tobias# Wayne Tobias ^{PRESIDENT}
96040460
W.R. Lewis11706 TRAFORD ST
Austin, TX 78758W.R. Lewis# 900 Huntbridge
900 Huntbridge900 Huntbridge
Austin, TX 78758Date: 10/16/04

Contact Name: Laric Amsler
 Phone Number: 836-7673

pg 2 of 4

PETITION

RECEIVED

OCT 19 2004

Neighborhood Planning & Zoning

Date: October 7, 2004
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name
Voter Registration Number

Street Address
City, State, Zip Code

Diana Ziegler

Diana Ziegler
96058802

11813 Eubank Dr.
Austin, TX 78758

Melissa Guthrie

Melissa Guthrie
94008066

11811 Eubank Dr.
Austin, TX 78758

Brian Guthrie

Brian Guthrie
93011982

11811 Eubank Dr.
Austin, TX 78758

Isabella Dabrowski

Isabella Dabrowski
91009916

11805 Eubank Dr.
Austin, TX 78758

James Bickford

JAMES BICKFORD
88084549

11803 EUBANK DR
Austin, TX 78758

Rogers Mooney

ROGERS MOONEY
80064797

11809 EUBANK DR
Austin, TX 78758

Date: 10/16/04

Contact Name: Larie Amsler
Phone Number: 836-7673

OCT 19 2004

Neighborhood Planning & Zoning

Date: October 7, 2004
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Street Address
City, State, Zip Code

<u>Valeara Bates</u>	<u>VALEARA BATES</u>	<u>11814 North Lamar</u>
# <u>75010092</u>		<u>Austin, TX 78758 3</u>
<u>Laveta L. Amster</u>	<u>LAVETA</u> Vice President North Park Estates Neighborhood A <u>LAVETA L. AMSLER</u>	<u>1000 Spae Ln.</u>
# <u>75003383</u>		<u>Austin, TX 78758</u>
# _____		<u>Austin, TX 78758</u>
# _____		<u>Austin, TX 78758</u>
# _____		<u>Austin, TX 78758</u>
# _____		<u>Austin, TX 78758</u>

Date: 10/17/04

Contact Name: Laric Amsler
Phone Number: 836-7673

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0133

Z.A.P. DATE: September 21, 2004
October 5, 2004

ADDRESS: 11800 North Lamar Boulevard

APPLICANT: Lamar Ventures Partnership, Ltd.

AGENT: Crocker Consultants
(Sarah Crocker)

ZONING FROM: DR, LO

TO: GR

AREA: 6.732 acres*

***Amended to:** 6.598 acres on 9/21/04

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is for GR-CO, Community Commercial-Conditional Overlay District, zoning for the first/or eastern 400-feet of the property (Tract 1 – 3.797 acres) and LO-CO, Limited Office-Conditional Overlay District, zoning for the remaining 360-feet/or western portion of the property (Tract 2 – 2.801 acres). The conditional overlay for Tracts 1 and 2 will limit development on the site to less than 2,000 vehicle trips per day. The CO for Tract 1 will also prohibit the following uses:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Business or trade school	Business support services
Commercial off-street parking	Consumer repair services
Exterminating services	Financial services
Food sales	Funeral services
General retail sales (general)	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Off-site accessory parking	Outdoor sports and recreation
Pawn-shop services	Pet services
Research services	Service station
Theater	Community recreation (private)
Community recreation (public)	Congregate living
College and University facilities	Guidance services
Hospital services (limited)	Private secondary educational facilities
Residential treatment	

In addition, drive-in service as an accessory use to restaurant general and limited is prohibited.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

9/21/04: Continued to 10/05/04 by ZAP (7-0, K. Jackson-left early, J. Gohil-absent);
M. Whaley-1st, J. Martinez-2nd.*

*Request made for staff to notify for City Council on 10/21/04.

10/5/04: Approved staff's recommendation of GR-CO district zoning for Tract 1 and LO-CO district zoning for Tract 2. Additional condition for Tract 1 is LR development standards. The following uses are removed from the prohibited use list: Business or Trade School; General

Retail Sales (General); Business Support Services; Consumer Repair Services; Financial Services, and Pet Services (9-0); K. Jackson-1st, J. Martinez-2nd.

ISSUES:

The applicant is in agreement with the recommendation of the Zoning and Platting Commission.

At the Zoning and Platting Commission meeting, two representatives of the North Park Estates Homeowners Association (adjacent to the west) spoke in opposition to the applicant's request.

The applicant has amended the rezoning area to exclude the tract zoned GR-CO by a 2003 case known as Ruff's Taqueria (C14-03-0162). The applicant is in agreement with the staff recommendation *except for* the following six land uses that are recommended to be prohibited by staff and consistent with the 2003 case:

Business or Trade School	General Retail Sales(General)	Business Support Services
Consumer Repair Services	Financial Services	Pet Services

The applicant's agent has stated that the rezoning area qualifies for legal lot status and that the Walnut Creek tributary that forms the west property line is considered a major waterway.

The Staff Recommendation of GR-CO for Tract 1 and LO-CO for Tract 2 and the list of prohibited uses remains unchanged. The Conditional Overlay for prohibited uses was recommended by Commission and approved by Council in late January 2004 with the Ruff's Taqueria case.

DEPARTMENT COMMENTS:

The site under consideration is currently occupied with a cafe (Ross Café), two offices (All Save Auto Insurance and Travis County Emergency Services District 4), a vacant building, and a monument/retail sales use (Artercraft Monument Company). The property is developed with six separate structures built in a semi-circle. Some of the uses described above are located in one structure containing two separate suites. The applicant is requesting GR, Community Commercial District, zoning for the site to bring the existing uses on the property into conformance with the City of Austin Land Development Code.

The staff recommends GR-CO zoning for the first 400-feet of the property (Tract1) and LO-CO for the remaining 360-feet of the site (Tract 2). The proposed 400-foot depth limit for Tract 1 is consistent with the location of existing commercial buildings to the north and south of this site. The staff recommends GR-CO zoning for Tract 1 because the proposed zoning will allow for commercial development with frontage on North Lamar Boulevard, a major arterial roadway. The existing office, retail, and restaurant uses are consistent with adjacent commercial development to the north, south, and east of this tract. The staff has recommended the same list of prohibited uses for Tract 1 that were approved in zoning case C14-03-0162, which rezoned the Ruff's Taqueria restaurant to the southeast of this site last year.

The proposed LO-CO zoning for Tract 2 will provide a transition in the intensity of uses to the west adjacent to the Walnut Creek residential neighborhood. In addition, Limited Office zoning on Tract 2 will allow for a greater protection of trees and reduced impervious cover along the Walnut Creek tributary.

The North Lamar Area Study recommends LO, Limited Office District, zoning for the properties in this area. However, the North Lamar Area Study has not been strictly upheld along in this section of North Lamar Boulevard, as intensive commercial uses have developed along the frontage of this arterial roadway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO, DR	Monument/Retail Sales, Vacant Building, Barber Shop (Personal Improvement Services use), Office, Restaurant
<i>North</i>	I.O	Contractor Office (Construction Sales & Services use), Antiques (Retail Sales), Cocktail Lounge
<i>South</i>	GR-CO, I.O	Restaurant, Computer Sales (Vacant), Communication Services, Convenience Storage, Appliance Repair
<i>East</i>	I.O, SF-1	Office, Auto Repair, Single-Family Residential Neighborhood
<i>West</i>	SF-2	Single-Family Residential Neighborhood

AREA STUDY: North Lamar Area Study (1985)

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

64 – River Oaks Lakes Estates Neighborhood
 85 – Walnut Creek Neighborhood Association
 114 – North Growth Corridor Alliance
 197 – North Park Estates Homeowners Association
 511 – Austin Neighborhoods Council
 937 – Taking Action Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0162	I.O to GR-CO	12/2/03 – Postponed at the request of staff, due to a notice error (9-0) 12/16/03 – Approved GR-CO, with added condition (8-0)	1/29/04: Approved GR-CO (5-0); all 3 readings
C14-00-2020	RR to GO-CO	4/18/00: Denied (6-0)	8/30/00: Withdrawn
C14-00-2152	DR to LO-CO	8/22/00: Approved LO-CO. The CO prohibits access to North Bend Dr. and limits trips to 2,000 per day (8-0)	10/5/00: Approved I.O-CO (5-0); all 3 readings
C14-99-2071	SF-2, RR	1/25/00: Approved MF-1 w/ SF-6 density (5-4, JR, JM, RC, RV-Nay)	4/13/00: Approved SF-6-CO on 1 st reading subject to conditions: 1) Prohibit access to all roadways to North Lamar,

			existing or future, 2) dedicate floodplain area to PARD, 3) increase detention by 10%, 4) prohibit development on 3.2 acre site south of subject tract as offered by the applicant (6-0, KW-absent) 5/18/00: Approved 2 nd /3 rd readings w/prohibition of duplex use (5-1, BG-Nay, WL-absent)
C14-99-2055	RR to NO	11/16/99: Approved staff rec. of RR by consent (6-0-1, B. Baker-abstain)	9/21/00: Withdrawn-There was a mapping error, the property was already zoned NO.
C14-90-0002		4/10/90: Approved W/LO (5-0-3)	5/10/90: Approved W/LO (6-0); 1 st reading 8/2/90: Approved W/LO (6-0); 2 nd /3 rd readings

RELATED CASES: C14-03-0162 (Previous Zoning Case for Ruff's Taqueria)
C14-85-0149 (North Lamar Area Study)
C8-A1-2564 (Subdivision Case)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Lamar Boulevard	100'	60'	Major Arterial	N/A

CITY COUNCIL DATE: October 21, 2004 **ACTION:** Approved staff's recommendation of GR-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with additional condition of 'LR' district development standards for Tract 1 (7-0)

November 4, 2004 **ACTION:**

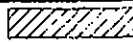


ORDINANCE READINGS: 1st 10/21/04 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

PHONE: 974-3057
sherri.gager@ci.austin.tx.us



<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: S. GAGER</p> <p>1" = 400'</p>	<p align="center">ZONING</p> <p>CASE #: C14-04-0133</p> <p>ADDRESS: 11800 N LAMAR BLVD</p> <p>SUBJECT AREA (acres): 6.598</p> <p>DATE: 04-10</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>M32</p>
---	---	--

W/O

85-149.11

SPC-94-0031A

SF-2

-2

SILBURY DRIVE

IDGE DRIVE

SF-2

EUBANK DRIVE

2

SF-2

WALNUT CREEK TRAILWAY

LO

ELECTRIC SERVICES

LOUNGE

CONSTRUCTION SALES & SERVICE

TRACT 2

DR

TRACT 1

RESTAURANT

OFFICE

SEASON

IMPROVEMENTS

PAVING

MINI STORAGE

COMPUTER SALES

LO

APPLIANCE REPAIR

LO

EQUIP. STORAGE

85-149

OFFICE

MINI-STORAGE

AUTO REPAIR

C7A-00-003

OFFICE

LAMAR BOULEVARD NORTH

JETTA COURT

LITTLE OAK DRIVE

C7A-00-003

SF-1

SF-1

SF

NORTH

Removed from applicants case by applicant on 9/14/04

SPC-94-0031A

CONANNA

W/LO

86-142-41

SPC-03-0031A

SF-2

LO

ELECTRIC SERVICES

LOUNGE

CONSTRUCTION
FILES & SERVICE

SF-1

SF-1

C7A-00-003

LITTLE OAK DRIVE

W/LO

WALNUT CREEK TRAIL

MINI STORAGE

COMPUTER
STORE

LO

APPLIANCE
REPAIR

AUTO
REPAIR

C7A-00-003

OFFICE

EQUIP
STORAGE

LO

85-00

OFFICE

MINI STORAGE

COMANN

SF

STAFF RECOMMENDATION

Staff's alternate recommendation is for GR-CO, Community Commercial-Conditional Overlay District, zoning for the first/or eastern 400-feet of the property (Tract 1 – 3.797 acres) and I.O-CO, Limited Office-Conditional Overlay District, zoning for the remaining 360-feet/or western portion of the property (Tract 2 – 2.801 acres). The conditional overlay for Tracts 1 and 2 will limit development on the site to less than 2,000 vehicle trips per day. The CO for Tract 1 will also prohibit the following uses:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Business or trade school	Business support services
Commercial off-street parking	Consumer repair services
Exterminating services	Financial services
Food sales	Funeral services
General retail sales (general)	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Off-site accessory parking	Outdoor sports and recreation
Pawn-shop services	Pet services
Research services	Service station
Theater	Community recreation (private)
Community recreation (public)	Congregate living
College and University facilities	Guidance services
Hospital services (limited)	Private secondary educational facilities
Residential treatment	

In addition, drive-in service as an accessory use to restaurant general and limited is prohibited.

BASIS FOR RECOMMENDATION

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

The Community Commercial (GR) zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The Limited Office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods.

The applicant's request meets the purpose statement for the GR and LO zoning districts as set forth in the Land Development Code. The property in question fronts onto a major arterial roadway and will provide for services for surrounding neighborhood and community needs.

2. The proposed zoning should promote consistency, and orderly planning.

The proposed rezoning is consistent with the commercial nature of the area. While there may not be GR zoning in the immediate vicinity, most of the properties along this portion of North Lamar are developed with GR and CS district uses. Surrounding uses include mini-storage and auto repair to the south and east, and a lounge and construction sales and service uses to the north.

The proposed LO-CO zoning for Tract 2 will provide a transition in the intensity of uses to the west adjacent to the Walnut Creek residential neighborhood. Limited Office zoning will also allow for a greater protection of trees and reduced impervious cover along the Walnut Creek tributary.

3. *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 subject tract is located on and takes access to North Lamar Boulevard., a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site is currently occupied with a cafe (Ross Café), two offices (All Save Auto Insurance and Travis County Emergency Services District 4), a vacant building, and a monument/retail sales use (Artercraft Monument Company). The property is developed with six separate structures built in a semi-circle. Some of the uses described above are located in one structure (two suites).

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90 %. However, because the Watershed impervious cover is more restrictive than the GR zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance. 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%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

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 Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

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 I.D.C 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.

Transportation

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

The trip generation under the requested zoning is estimated to be 17,076 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 waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

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

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Lamar Boulevard	Varies	60'	Arterial

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 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 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

Site plans will be required for any new development other than single-family or duplex residential. Currently there is not a site plan application in review for the subject site.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.

Additional design regulations will be enforced at the time a site plan is submitted.

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or I.O.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH. 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.



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: September 10, 2004

File Number: C14-04-0133

Mailing Date of first Notice: August 26, 2004

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE: (See map) 11800 North Lamar

PROPOSED ZONING CHANGE:

FROM: DR--Development Reserve district is intended to prevent isolated, inappropriate, or premature uses from locating on lands for which adequate public services and facilities are unavailable, or for which a determination of the most appropriate zoning district is precluded by a lack of data customarily utilized in establishment of permanent district classifications, or for which land use and urban development policies have not been completed. LO--Limited Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. GR-CO Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways. 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.

TO: GR--Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

OWNER: Lamar Ventures of Partnership

PHONE: (512) 499-0449

AGENT: Crocker Consultants (Sarah Crocker)

PHONE: (512) 476-6598

ZONING & PLATTING COMMISSION HEARING DATE: September 21, 2004 TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3rd Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Sherri Gager at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-3057. 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, PO Box 1088, Austin, TX 78767-8835.

File # C14-04-0133-SG

Zoning & Platting Commission Hearing Date: 09/21/2004

Name (please print) MANUEL ZIEGLER

☐ I am in favor
(Estoy de acuerdo)

Address 11813 EUBANK DR AUSTIN 78738

☒ I object
(No estoy de acuerdo)



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File # C14-04-0133-SG

Zoning & Platting Commission Hearing Date: 09/21/2004

Name (please print)

GREG GRIFFIN, P.E.

Address

11711 N. LAMAR

☐ I am in favor
(Estoy de acuerdo)

☒ I object
(No estoy de acuerdo)



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

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Name (please print) GREG GRIFFIN, P.E.

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(Estoy de acuerdo)

Address 11711 N. LAMAR

☒ I object
(No estoy de acuerdo)