



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

**AGENDA ITEM NO.: Z-19**  
**AGENDA DATE: Thu 11/04/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0118 - 204-206 Stassney Lane – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 204-206 West Stassney Lane (Williamson Creek Watershed) from single family residence (SF-2) district zoning and family residence (SF-3) district zoning to community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. Applicants: Felix Michael Estrada and Felix A. Estrada. Agent: Lenworth Consulting (Nash Gonzales). City Staff: Wendy Walsh, 974-7719.

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

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0118

**P.C. DATE:** September 14, 2004  
September 28, 2004

**ADDRESS:** 204 – 206 West Stassney Lane

**OWNER AND APPLICANT:** Felix Michael Estrada  
& Felix A. Estrada

**AGENT:** Lenworth Consulting  
(Nash Gonzales)

**ZONING FROM:** SF-2; SF-3

**TO:** GR

**AREA:** 0.830 acres (36,154 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommends denial of the applicant's request for community commercial (GR) district zoning. The staff's alternate recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits development of the property to 2,000 motor vehicles per day.

### **PLANNING COMMISSION RECOMMENDATION:**

September 14, 2004: *POSTPONED TO SEPTEMBER 28, 2004 (KEEP PUBLIC HEARING OPEN)*  
*VOTE: 8-0 (D.S. 1<sup>ST</sup>, JMC, 2<sup>ND</sup>)*

September 28, 2004: *APPROVED GR-MU-CO WITH THE FOLLOWING CONDITIONS: 1. LO SITE STANDARDS AND USES; 2. AUTO REPAIR AND SALES ARE THE ONLY PERMITTED GR USES; 3. RESTRICTIVE COVENANT STATING OWNER WILL NOT OPPOSE REZONING TO LO WHEN USE CEASES FOR MORE THAN 90 DAYS; 4. 2,000 TRIP LIMITATION.*

*VOTE: 7-0, (M.H – 1<sup>ST</sup>, D.S – 2<sup>ND</sup>; C.R - ABSENT*

### **ISSUES:**

#### **Zoning:**

The applicants and their representatives attended and discussed the proposed rezoning request at the second land use meeting for the South Congress Combined Neighborhood Planning area on Wednesday, September 22, 2004. At the meeting, the applicant proposed to limit the community commercial (GR) zoning to automotive repair and sales uses only and all limited office (LO) uses, and enter into a Restrictive Covenant with the City to allow for a roll back to LO zoning to occur should the auto repair and sales business cease for more than 90 days. The applicant's proposal was also previously mentioned to staff. The consensus of the neighborhood attendees was to support the applicant's proposal for GR-CO zoning on the bases that: 1) the business operations are not prominently situated on Stassney Lane and 2) it allows for the existing business to continue and be compliant with the City Code, while also limiting its scope and addressing a roll back should the use cease. A representative of the Far South Austin Community Association telephoned staff and stated her preference for LO zoning.

The subject properties are located within the South Congress Combined Neighborhood Plan Area and are in close proximity to the core of the West Congress planning area, defined as the intersection of Congress Avenue and Stassney Lane. Participants of the Neighborhood Plan process have noted the number of automotive uses along Stassney Lane and Congress Avenue, and expressed their desire to

limit the number of rezonings that would permit new automotive businesses. The participants have indicated their general support for LO district zoning along this segment of Stassney Lane.

*Permit Records and Code Enforcement*

The applicant has provided a Texas Sales and Use Tax Permit for Estrada Automotive with an effective date of April 1, 1986 and an expiration date of March 11, 1990. The Permit, however, is listed for 5509 Blue Bird Lane, rather than the Stassney Lane addresses. The applicant has also submitted an Assumed Name Certificate for Michael Estrada of Estrada Automotive, also at 5509 Blue Bird Lane for an auto repair business. The owner and applicant resides at 5509 Blue Bird Lane and the property is zoned single family residence (SF-2) district. No records have been provided that show the business operating at the Stassney Lane addresses. Please refer to Attachment B.

Although the properties are developed with an automotive repair and automotive sales business, the only two building permit records that are available on the subject properties were taken out in 1979 and 1980 to "repair and remodel residence to minimum standards." A previous rezoning case in 1973 at 204 Stassney Lane did not indicate the presence of either automotive repair or automotive sales uses on the property. [Further details of the 1973 case is provided in the Related Cases section on Page 3.] In addition, a check of City directories between 1985 and 1996 did not show any automotive repair business listed along the 100 – 300 block of Stassney Lane. The staff has been unable to establish the existing automotive uses at the Stassney Lane location prior to annexation into the City limits in October 1969 and thus, they are considered illegal.

A request for the initiation of Code Enforcement on the east part of the rezoning area (204 Stassney Lane) was made by an anonymous complainant in November 2003. Subsequently, in January 2004, the City identified the need for Code Enforcement activities on the west part of the rezoning area (206 Stassney Lane). The applicants have responded by filing this rezoning application for community commercial (GR) zoning in order to bring the existing automotive repair and sales uses on the property into compliance with the City's Land Development Code. The case histories of Code Enforcement activities for each address are provided in Attachment A.

The applicant would like to discuss the staff's recommendations.

**DEPARTMENT COMMENTS:**

The subject two properties are developed with an automotive repair and automotive sales business, and are zoned SF-3 and SF-2 districts. Access to the property is taken to West Stassney Lane, a major arterial roadway. The surrounding area includes a mix of residential and commercial land uses. On the north side of Stassney Lane between Congress Avenue and Blue Bird Lane, there is also an undeveloped property that was previously developed with a service station, as well as an equipment rental company, convenience storage (zoned CS), a child care facility and two single family residences (LO). With the exception of the rezoning tracts, the general land use pattern may be defined as commercial uses at the corner of Congress and Stassney with a transition to office and residential uses as Stassney extends west to Blue Bird and Hummingbird Lanes. North of the rezoning tracts, along Red Bird Lane, there are single family residences, undeveloped property, a construction business, a cocktail lounge and pawn shop services (SF-3, SF-2, SF-6, MF-3, CS-1, CS-CO, CS). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the property to the GR district in order to bring the existing automotive uses into compliance with the City's Land Development Code. Staff is unable to recommend the applicant's request due to the potential illegal nature of the businesses, proximity to residential uses and expressed vision for this segment of Stassney Lane in the neighborhood planning

process. The staff offers an alternate recommendation of LO-MU-CO district zoning that would be consistent with the surrounding zoning and land use character, and appropriate along an arterial roadway. The CO would limit development of the property to 2,000 motor vehicles per day.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3; SF-2	Automotive sales and automotive repair use
<i>North</i>	SF-2; SF-3; SF-6; MF-3; SF-4A;	Single family residences; Undeveloped; Construction business; Apartments
<i>South</i>	SF-6-CO; MF-3; GR; CS-1; CS; SF-3	Undeveloped; Automotive washing; Convenience storage; Liquor store; Single family residences
<i>East</i>	LO; CS; CS-CO; CS-1;	Child care; Convenience storage; Equipment rental; Undeveloped; Pawn shop services; Vehicle storage; Cocktail lounge; Automotive sales
<i>West</i>	SF-2; LO; SF-3;	Single family residences; Child care; Undeveloped

**NEIGHBORHOOD PLANNING AREA:** South  
Congress Combined NPA  
(West Congress)

**TIA:** Is not required

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association

170 – Fairview Estates Neighborhood Assn.

300 – Terrell Lane Interceptor Association

428 – Barton Springs / Edwards Aquifer Conservation District

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Assn.

949 – Sweetbriar I

**SCHOOLS:**

Odom Elementary School

Bedichek Middle School

Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-03-0056	SF-3 to CS-CO	To Grant CS-CO with conditions	Approved CS-CO with CO for 2,000 trips; list of prohibited and conditional uses; a 6' solid fence is required to screen outside storage areas. RC specifying that vehicle storage is a prohibited use except in conjunction with the

			adjacent pawn shop use (8-28-03).
C14-00-2115	SF-2 to SF-4A	To Grant SF-4A	Approved SF-4A (2/15/01).

**RELATED CASES:**

The rezoning area consists of Lot 26, Block 1 of Pleasant Hill Addition and a portion of Lot 25 of the same subdivision and was recorded in 1937 (C8-1937-1514). Please refer to Exhibit B.

In 1973, a previous property owner requested GR zoning for 204 Stassney Lane. The Planning Commission recommended BB, Residence, First Height and Area zoning subject to a six foot tall privacy fence along the north and west boundaries of the tract. (BB, First Height and Area converted to multi-family residence – low density (MF-2) district zoning in 1986.) The applicant withdrew the rezoning application prior to City Council consideration and thus, the tract remained zoned A, Residence, First Height and Area (converted to SF-3).

There are no related site plan applications on the subject property.

**ABUTTING STREETS:**

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION
Stassney Lane	100 feet	2 @ 24 feet	Major Arterial

- There are existing sidewalks along Stassney Lane.
- Stassney Lane is classified in the Bicycle Plan as a Priority 1 bike route. (Route #79)
- Capital Metro bus service is not available within ¼ mile of this property.

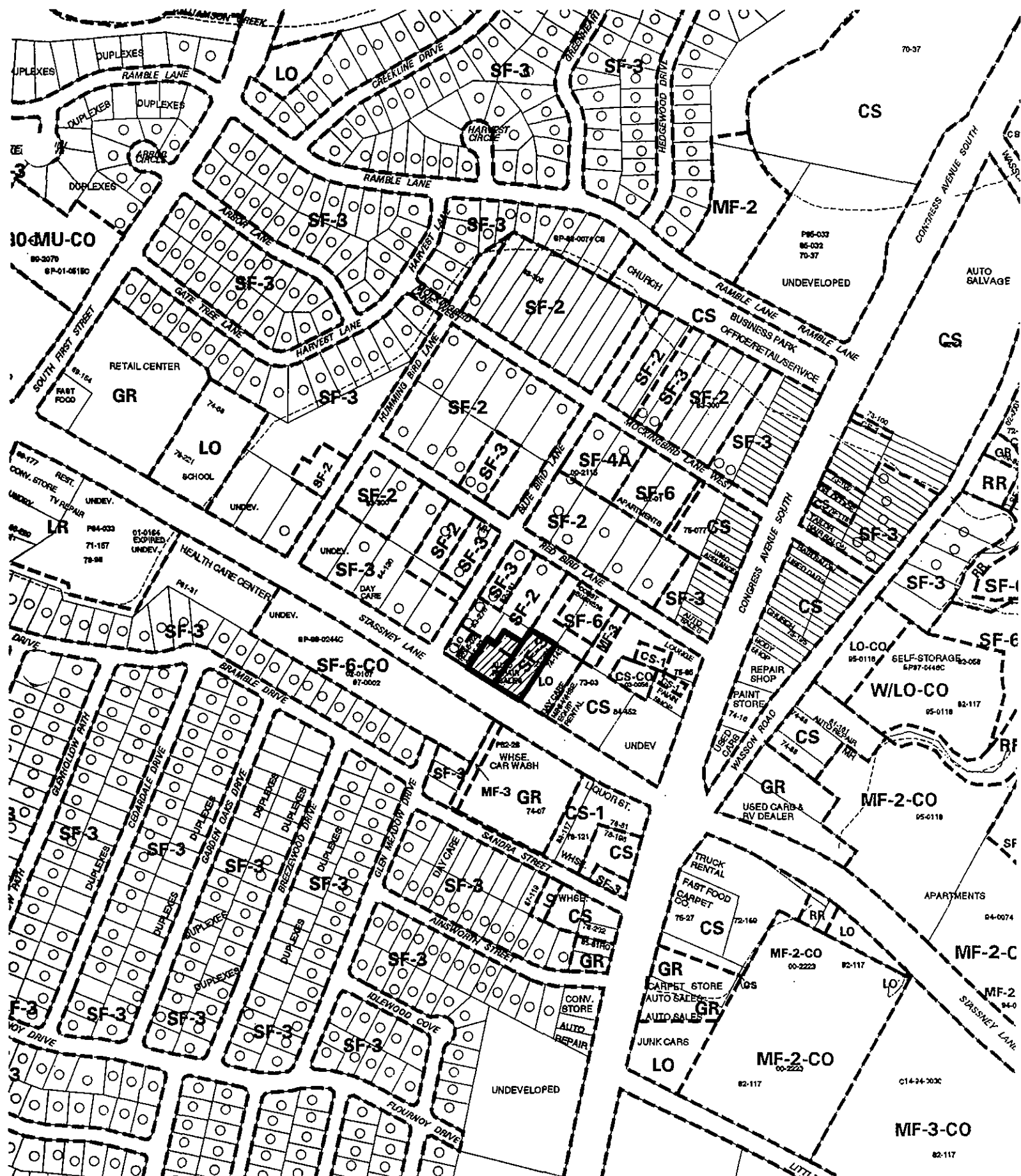
**CITY COUNCIL DATE:** November 4, 2004      **ACTION:**

**ORDINANCE READINGS:**    1<sup>st</sup>                      2<sup>nd</sup>                                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719



SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY  
 CASE MGR: W. WALSH



CASE #: C14-04-0118

ADDRESS: 204 & 206 STASSNEY LANE

SUBJECT AREA (acres): 0.830

ZONING

EXHIBIT A

DATE: 04-08

INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER

G17

1" = 400'





THE STATE OF TEXAS) George was a healthy male, born on Feb. 10  
COUNTY OF DALLAS) 1904. He lived in the home personally supervised  
- his family known him to be the son of W. C. Thomas &  
- the following instrument was acknowledged by him and  
- he acknowledged the same for the purposes and consideration  
- therein stated.  
Given under my hand and seal on my 20th day Feb 22nd 1937  
A. J. 1937  
[Signature] County Clerk, Bryan  
Newburg Public Trust Company, Texas

RECOMMENDED FOR APPROVAL  
05-04-72 1972  
J. Maternal  
DICK ENSLEY, JR. AND DAUGHTER

W. F. Leahy  
College Street  
St. Ramsay  
421026

EXHIBIT B  
RECORDED PLAT

Filed for record November 3 AD 1917 at 3 15 P.  
Recorded November 6 AD 1917 at 9 AM

## Case History: 204 W Stassney Lane

Legally Known As: LOT 26 BLK 1 PLEASANT HILL ADDN

**InspecTrack Case Number: IT # 04-016424**

Date Opened: 01/07/2004 Case Status: OPEN TCAD #: 04160903120000 Plat #:

1/7/2004-Present #732 Enrique Lopez

Felix and Connie Estrada  
5509 Blue Bird Lane, Austin, TX 78745-3149

COA Department

**Date:** 1/7/2004

**Complainant:** COA Department

**Description:** Business out of SF3 zoning

**Manager Contacted:** No

### Premises

**Status:** 1/7/2004 - Unoccupied

**Findings** 1/7/2004 - Zoning violation(s) found

1/7/2004: Recommended Contact the City of Austin Development Assistance Center at (512)974-6370 for help in bringing this violation into compliance by changing the zoning classification of the property for these within 30 days.

1/7/2004: Recommended Current Certificate of Occupancy states that this address is a residence. Cease using location as a business office and contractors yard for the lawn and pool maintenance business immediately. Landscape equipment/material need to be removed from the within 30 days.

### **Red Tag/EBS:**

1/7/2004	#732 (Enrique Lopez)	Conducted An Initial Inspection of the Property. Inspector's Comments: "Seems to part of the automotive business at 206 Stassney"
1/23/2004	#732 (Enrique Lopez)	Inserts a tracking notice comment for date executed. Inspector's Comments: "Certified tracking notice has been delivered."
2/24/2004	#732 (Enrique Lopez)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists,

ATTACHMENT A

3/30/2004 4	#732 (Enrique Lopez)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists, send precourt letter"
4/8/2004	#732 (Enrique Lopez)	Contacted the Owner of the Property. Inspector's Comments: "Mr. Estrada called and left voicemail. I returned his call and left a voicemail on his cell phone to contact me during my morning hours."
4/16/2004 4	#732 (Enrique Lopez)	Contacted the Owner of the Property. Inspector's Comments: "Left voice mail on cell phone to call"
4/16/2004 4	#732 (Enrique Lopez)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists"
4/27/2004 4	#732 (Enrique Lopez)	Information Update and research results. Inspector's Comments: "Lynda Courtney says that owner has met with her and zoning planners are going to meet Monday to discuss what kind of zoning change would be appropriate."
5/10/2004 4	#732 (Enrique Lopez)	Information Update and research results. Inspector's Comments: "emailed Lynda for update."
5/25/2004 4	#732 (Enrique Lopez)	Information Update and research results. Inspector's Comments: "Prepare case for MC"
6/10/2004 4	#732 (Enrique Lopez)	Referred case to Municipal Court Coordinator. Inspector's Comments: "Docket 6/30/2004"
7/8/2004	#732 (Enrique Lopez)	Information Update and research results. Inspector's Comments: "Docket postponed 7/28/2004"

**Valid Conditions in Violation of the Austin City Code (Land Development Code):**

**Premises**

01/07/2004	PERMITTED, CONDITIONAL AND PROHIBITED USE	Code Ref: 25-2-491 Current zoning at this address only allows residential use.
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Legal Notice (Zoning) sent on 1/8/2004 to (the owner) Felix and Connie Estrada, certified #7001 0360 0000 3582 5002. Status: Recived on 1/13/2004 by by a person whose signture is illegible

Pre-Court sent on 3/30/2004 to (the owner) Felix and Connie Estrada, certified #7001 0360 0000 3566 3246. Status: Recived on 3/21/2004 by F. Estrada

**Case History: 206 W. Stassney Lane**

Legally Known As: S 118FT OF LOT 25 BLK 1 PLEASANT HILL ADDN

**InspecTrack Case Number: IT # 03-016043**

Date Opened: 11/17/2003 Case Status: OPEN TCAD #: 04160903130000 Plat #:

11/17/2003-Present #732 Enrique Lopez

Felix Michael Estrada  
5509 Blue Bird Lane, Austin, TX 78745-3149

Anonymous

**Date:** 11/17/2003**Complainant:** Anonymous**Description:** Illegal car lot in a SF-3 zoning district.**Manager Contacted:** No**Premises****Status:** 1/7/2004 - Unoccupied**Findings** 1/7/2004 - Zoning violation(s) found

1/7/2004: Recommended Contact the City of Austin Development Assistance Center at (512)974-6370 for help in bringing this violation into compliance by changing the zoning classification of the property for these within 10 days.

1/7/2004: Recommended Obtain a Site Plan, required permits, and a Certificate of Occupancy for the current use of the within 10

**Red Tag/EBS:**

11/18/2003	#732 (Enrique Lopez)	Conducted An Initial Inspection of the Property. Inspector's Comments: "Saw several cars parked on lot some under repair. Check zoning."
12/18/2003	#732 (Enrique Lopez)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Site insp. With Matthew. Determined correct lot number. Zoning is SF-3. Address is used car lot. Prepare notice of violation."
1/23/2004	#732 (Enrique Lopez)	Inserts a tracking notice comment for date executed. Inspector's Comments: "Certified tracking notice has been delivered."
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3-8-1985

01-10 2003 11:31 FAX 512 854 4588

DIST CLK CRIMINAL RECORD

001

10-143--ASSUMED NAME CERTIFICATE--CHAP 3 (2/83)

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

THAT Michael Estrada the undersigned, for the purpose of complying with Chapter 36, Title 4, Business and Commerce Code of the State of Texas, do hereby certify to the following facts:  
Michael Estrada is the assumed name under which the business or professional services is or is to be conducted or rendered.

2. Registrant

3. Names and Addresses:

Name

Title

Address

Name

Title

Address

Name

Title

Address

Name

Title

Address

Said Company was duly associated under the laws of \_\_\_\_\_ and its registered or similar office address there is \_\_\_\_\_

County or counties within the State of Texas where the business or professional services are being or are to be conducted or rendered under said assumed name: \_\_\_\_\_

6. The business or professional service is a Auto Repair  
The corporation is a Auto Repair

5. The period, not to exceed \_\_\_\_\_ years, during which the assumed name will be used is from the \_\_\_\_\_ day of \_\_\_\_\_ 1985 until the \_\_\_\_\_ day of \_\_\_\_\_ 1985.

7. TESTIMONY WHEREFORE, I, Michael Estrada, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.



Dana DeBeauvoir, County Clerk, Travis County, Texas. Do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 1-10-85

1. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

2. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

3. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

4. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

5. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

6. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

7. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

8. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

9. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

10. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the assumed name certificate as the same appears of record in my office. Witness my hand and seal of office on \_\_\_\_\_ day of \_\_\_\_\_ 1985.

THIS PERMIT IS NOT TRANSFERABLE AND MUST BE PROMINENTLY DISPLAYED IN YOUR PLACE OF BUSINESS.

# TEXAS SALES AND USE TAX PERMIT

Merchants: DO NOT accept a copy of this permit in place of a resale certificate. You will be responsible for sales tax unless you have valid resale certificates on file.

TAXPAYER NAME AND MAILING ADDRESS

ESTILADA AUTOMOTIVE

5509 BLUE BIRD LANE

AUSTIN TX 78745

TAXPAYER NAME AND MAILING ADDRESS

MICHAEL ESTRADA

5509 BLUE BIRD LANE

AUSTIN TX 78745-3149

08

A new permit must be obtained if there is a change of ownership, location or trade name. If the location changed in this permit is closed, return this permit to the Comptroller of Public Accounts and indicate the date of the last taxable business transaction.

Form 01-500 (Rev. 10-87/8)

TYPE OF PERMIT

LIMITED SALES TAX

TAXPAYER NUMBER

2-455-53-1663-7

OUTLET NUMBER

00001

EFFECTIVE DATE

04-01-85

EXPIRATION DATE

03-11-90

BOB BULLOCK  
COMPTROLLER OF PUBLIC ACCOUNTS



Attachment B



**SUMMARY STAFF RECOMMENDATION:**

The staff recommends denial of the applicant's request for community commercial (GR) district zoning. The staff's alternate recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits development of the property to 2,000 motor vehicles per day.

**BACKGROUND**

The subject two properties are developed with an automotive repair and automotive sales business, and are zoned SF-3 and SF-2 districts. Access to the property is taken to West Stassney Lane, a major arterial roadway. The surrounding area includes a mix of residential and commercial land uses. On the north side of Stassney Lane between Congress Avenue and Blue Bird Lane, there is also an undeveloped property that was previously developed with a service station, as well as an equipment rental company, convenience storage (zoned CS), a child care facility and two single family residences (LO). With the exception of the rezoning tracts, the general land use pattern may be defined as commercial uses at the corner of Congress and Stassney with a transition to office and residential uses as Stassney extends west to Blue Bird and Hummingbird Lanes. North of the rezoning tracts, along Red Bird Lane, there are single family residences, undeveloped property, a construction business, a cocktail lounge and pawn shop services (SF-3, SF-2, SF-6, MF-3, CS-1, CS-CO, CS).

The applicant proposes to rezone the property to the GR district in order to bring the existing automotive uses into compliance with the City's Land Development Code. Staff is unable to recommend the applicant's request due to the potential illegal nature of the businesses, proximity to residential uses and expressed vision for this segment of Stassney Lane in the neighborhood planning process. The staff offers an alternate recommendation of LO-MU-CO district zoning that would be consistent with the surrounding zoning and land use character, and appropriate along an arterial roadway. The CO would limit development of the property to 2,000 motor vehicles per day.

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

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

The purpose statement per the City of Austin Land Development Code states: "The proposed 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 trafficways."

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

Staff is unable to recommend the applicant's request due to the potential illegal nature of the businesses, proximity to residential uses and expressed vision for this segment of Stassney Lane in the neighborhood planning process. The staff offers an alternate recommendation of LO-MU-CO district zoning that would be consistent with the surrounding zoning and land use character, and appropriate along an arterial roadway. The CO would limit development of the property to 2,000 motor vehicles per day.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with an automotive sales and automotive repair use. There appear to be no significant topographical constraints on the site.

### **Impervious Cover**

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

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson 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%

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

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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 which preempt current water quality or Code requirements.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 3,560 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]

### **TPSD Right-of-Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **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 relocation, or utility adjustment 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 of Austin design utility criteria and specifications.

### **Compatibility Standards**

This site is in the proposed West Congress Neighborhood Plan.

The site is subject to compatibility standards. Along the north, east and 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.
- 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.



**Neighborhood Planning & Zoning  
Department**  
P.O. Box 1088  
Austin, TX 78767



NEIGHBORHOODS FIRST

September 2, 2004

Dear South Congress Combined Planning Area Resident, Property Owner, or Business Owner:

We invite you to attend our second land use meeting for the South Congress Combined Neighborhood Planning area.

**Date: Wednesday, September 22, 2004**

**Time: 6:00PM –8:00PM**

**Location: Bedichek Middle School, 6800 Bill Hughes Rd.**

At this meeting, we will

- Review land use planning basics and answer any questions you may have
- Complete the land use brainstorming exercise begun at Land Use Meeting #1—this exercise assigns possible future land uses (commercial, single-family, mixed-use, etc.) to various tracts in the area
- Briefly preview what's to come in future land use planning meetings, including how the results of this land use exercise will be incorporated into future land use map scenarios.


Visit our website and review the basics of land use planning basics. See the "Educational Guide to Land Use", located at: <http://www.ci.austin.tx.us/zoning/library.htm>

Also, mark your calendars for **Wednesday, October 13, 2004**—our third land use-planning meeting where the goal will be to finalize a draft Future Land Use Map (FLUM). This will be held at Bedichek Middle School and is tentatively scheduled to run from 6:00 PM to 8:00 PM.

More information about neighborhood planning in the South Congress Planning Area can be found at [www.ci.austin.tx.us/zoning/sccp.htm](http://www.ci.austin.tx.us/zoning/sccp.htm). You can also contact Annick Beaudet by phone at 974-2975 or email at [annick.beaudet@ci.austin.tx.us](mailto:annick.beaudet@ci.austin.tx.us), Mark Walters 974-7695 or [mark.walters@ci.austin.tx.us](mailto:mark.walters@ci.austin.tx.us), or Kathleen Welder 974-7659 or [kathleen.welder@ci.austin.tx.us](mailto:kathleen.welder@ci.austin.tx.us).

We encourage you to take this opportunity to influence the future growth and development of your part of the city. Thank you for your time and participation.

Sincerely,

  
Annick Beaudet                      Mark Walters                      Kathleen Welder  
Neighborhood Planning and Zoning Department

The boundaries of the South Congress Combined Neighborhood Planning Area are:  
Ben White Blvd to the north; William Cannon Blvd to the south; Interstate Highway 35 to the east; and  
South 1<sup>st</sup> St to the west.

## MEETING SUMMARY

Approved by PC 9/28/04

### CITY PLANNING COMMISSION

September 14, 2004

One Texas Center

505 Barton Springs Road

Conference Room 325

CALL TO ORDER – 6:00 P.M. *COMMENCE 6:10PM; ADJOURN ~11:30PM*

\_\_\_\_ John-Michael Cortez

\_\_\_\_ Matthew Moore, Secretary

\_\_\_\_ Cid Galindo

\_\_\_\_ Jay Reddy

\_\_\_\_ Matt Hollon, Asst. Secretary

\_\_\_\_ Chris Riley, Chair

\_\_\_\_ Cynthia Medlin, Vice-Chair

\_\_\_\_ Dave Sullivan, Parliamentarian

### A. REGULAR AGENDA

#### EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

#### CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

#### *NO SPEAKERS*

#### APPROVAL OF MINUTES

2. Approval of minutes from August 10, 2004 and August 24, 2004.

#### *MOTION: APPROVE BY CONSENT*

*VOTE: 6-0 (DS-1<sup>st</sup>, JMC-2<sup>nd</sup>; JR, MH, DS- ARRIVED LATE)*

#### DISCUSSION AND ACTION

## MEETING SUMMARY

Approved by PC 9/28/04

### 3. Briefing on the Staff Recommendations for the Rainey Street Area:

Request: Review and Comment on Staff Recommendations  
 Staff: George Adams, 974-2146, george.adams@ci.austin.tx.us  
 Jana McCann, 974-6096, jana.mccann@ci.austin.tx.us  
 Transportation, Planning and Sustainability

George Adams briefed the Commission.

SEE ITEM 9 FOR DISCUSSION OF PROPOSAL AND RELATED ZONING CASES

~~4. Rezoning: C14-04-0117 - 509 Radam Lane  
 Location: 509 Radam Lane, Williamson Creek Watershed, South Congress Combined (West Congress) NPA  
 Owner/Applicant: Mark A. Macaulay  
 Agent: Lenworth Consulting (Nash Gonzales)  
 Request: SF-3 to GR-CO  
 Staff Rec.: **Recommended.**  
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
 Neighborhood Planning and Zoning~~

Commissioner Sullivan commented that the address should not be for street that access is not taken to.

**MOTION: APPROVE STAFF RECOMMENDATION**

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

5. Rezoning: C14-04-0118 - 204 - 206 Stassney Lane West  
 Location: 204 - 206 Stassney Lane West, Williamson Creek Watershed, South Congress Combined (West Congress) NPA  
 Owner/Applicant: Felix A. Estrada and Felix Michael Estrada  
 Agent: Lenworth Consulting (Nash Gonzales)  
 Request: SF-2; SF-3 to GR-CO  
 Staff Rec.: **Not recommended.**  
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
 Neighborhood Planning and Zoning

Wendy Walsh presented the staff recommendation.

### PUBLIC HEARING FOR

Jim Bennett, representing the owner, said the owner would like to continue to operate his business. They bought the property in the 1970s, and have documents from the state and county

## MEETING SUMMARY

Approved by PC 9/28/04

showing that they have operated a auto repair business there since 1985, somewhat contrary to City zoning codes. The staff recommendation for office zoning does not help his client. It is a home grown automobile shop. He needs GR zoning to continue his business. The owners live next to the property- this is not a major operation. With the office zoning, they would have to discontinue their business. Stassney Lane is 100 feet of ROW- it is a major trafficway. He is not opposed to rolling back the zoning if the auto use is discontinued. The owner can continue the business with a temporary GR zoning, that would be changed with the NP rezonings.

Commissioner Cortez said an alternative to the temporary GR zoning would be to permit GR-CO, with auto repair and LO uses. Mr. Bennett said that would be fine too, but also would need automotive sales.

### AGAINST

Betty Edgemond said Stassney is an arterial, but with low density development. It is single-family all the way. They do not have GR zoning at the major intersections of Stassney and other arterials. Someone applied for GR zoning at South 1<sup>st</sup> and Stassney and that was turned down by ZAP and Council. Congress has junkyard, but Stassney is a different road. Auto sales are near a daycare center- this is not planning. They do not want GR zoning in the middle of a single-family zoned block. The neighborhood does not need more auto repair. She is definitely against auto sales. They want the area to be cleaned-up. There are houses selling for \$300,000. She proposed to make his use condition and requested a postponement to September 22 to allow the neighborhood to discuss the case at the neighborhood planning meeting.

Ronny Hoff, resident on Mockingbird Lane since 1975, said he's never seen an automotive place on the property. He would not have objection to let him continue business, but to rezone , don't need that use around homes. There is a building vacant nearby that could be used for auto repair instead.

Commissioner Medlin asked Mr. Hoff what he would recommend and he said single-family zoning.

### REBUTTAL

Mr. Bennett said that there are non-residential uses along Stassney Lane. He reiterated that low-key auto repair is operated on-site, as has been done for the past 20 years.

Commissioner Medlin said that if the property is rezoned to GR, another owner could come in and start an auto repair business. Mr. Bennett replied saying that because of the size of the site, there will not be a large operation. He has no problem with a restrictive covenant to prohibit additional GR buildings. If he is currently not exceeding LO site standards, would not have a problem with that restriction either. At this point he is guessing that they comply with building coverage restrictions.

Ms. Edgemond, in reply to Commissioner Sullivan, said she does not near the property. Commissioner Sullivan asked why there is not an adjacent property owner here to oppose this.

## MEETING SUMMARY

**Approved by PC 9/28/04**

Ms. Edgemon said because they too have many illegal uses. They too need GR zoning. Car sales and repair are a big problem.

Commissioner Hollon asked what the precedent/policy is regarding illegal uses. Ms. Walsh said that an amnesty Certificate of Occupancy can be granted if proof of business operating for many years.

Commissioner Sullivan wondered if the case was postponed if it was possible for the owner to receive the amnesty CO. Commissioner Hollon said it would give time too to allow the neighborhood planning meeting to occur. Mr. Bennett said that he has no problem with restrictive covenant to limit the number of cars that can be sold- like four at a time.

**MOTION: POSTPONE TO SEPTEMBER 28, 2004 (KEEP PUBLIC HEARING OPEN)**

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

Commissioner Sullivan said he was in favor of mixed-use. Commissioner Cortez said that he does not like auto uses, but does not want to put people out of business.

~~6. **Rezoning:** C14-04-0130 - Oriens Park  
**Location:** 4901-5425 E. 51st Street, Walnut & Little Walnut Watershed, Pecan Springs/Springdale NPA  
**Owner/Applicant:** Solar Star Realty (Bill Welch)  
**Agent:** Bury & Partners (Jim Gallegos)  
**Request:** SF-6-NP to SF-4A-NP  
**Staff Rec.:** **RECOMMENDED**  
**Staff:** Robert Heil, 974-2330, robert.heil@ci.austin.tx.us  
Neighborhood Planning and Zoning~~

~~**MOTION: APPROVE BY CONSENT**~~

~~**VOTE: 6-0 (DS-1<sup>st</sup>, JMC-2<sup>nd</sup>; JR, MH, DS- ARRIVED LATE)**~~

~~7. **Rezoning:** C14-04-0131 - Oriens Park  
**Location:** 4901-5425 E. 51st Street, Walnut & Little Walnut Watershed, Pecan Springs/Springdale NPA  
**Owner/Applicant:** Solar Star Realty (Bill Welch)  
**Agent:** Bury & Partners (Jim Gallegos)  
**Request:** SF-6-NP to SF-4A-NP  
**Staff Rec.:** **RECOMMENDED**  
**Staff:** Robert Heil, 974-2330, robert.heil@ci.austin.tx.us  
Neighborhood Planning and Zoning~~

~~**MOTION: APPROVE BY CONSENT**~~

~~**VOTE: 6-0 (DS-1<sup>st</sup>, JMC-2<sup>nd</sup>; JR, MH, DS- ARRIVED LATE)**~~

# MEETING SUMMARY

Pending PC Approval

## CITY PLANNING COMMISSION

September 28, 2004

One Texas Center

505 Barton Springs Road

Conference Room 325

CALL TO ORDER – 6:00 P.M. *COMMENCE 6:08PM; ADJOURN 7:15PM*

\_\_\_\_ John-Michael Cortez

\_\_\_\_ Matthew Moore, Secretary

\_\_\_\_ Cid Galindo

\_\_\_\_ Jay Reddy

\_\_\_\_ Matt Hollon, Asst. Secretary

*ABSENT* Chris Riley, Chair

\_\_\_\_ Cynthia Medlin, Vice-Chair

\_\_\_\_ Dave Sullivan, Parliamentarian

### A. REGULAR AGENDA

#### EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

#### CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

#### APPROVAL OF MINUTES

2. Approval of minutes from September 14, 2004.

*MOTION: APPROVED MINUTES BY CONSENT*

*VOTE: 7-0 (DS-1<sup>st</sup>, JMC-2<sup>nd</sup>; CR-ABSENT)*

#### DISCUSSION AND ACTION

- 3. Rezoning: C14-04-0118 - 204 - 206 Stassney Lane West**  
Location: 204 - 206 Stassney Lane West, Williamson Creek Watershed, South Congress Combined (West Congress) NPA  
Owner/Applicant: Felix A. Estrada and Felix Michael Estrada  
Agent: Lenworth Consulting (Nash Gonzales)  
Request: SF-2; SF-3 to GR-CO  
Staff Rec.: **Not recommended. Alternate staff recommendation is LO-MU-CO**  
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
Neighborhood Planning and Zoning

Wendy Walsh presented the staff recommendation. She said the applicant did attend the September 22 neighborhood planning land use meeting. There was consensus to support the applicant's request with the condition that only auto repair and sales be the two GR uses permitted, and that the owner would not object to rollback of zoning to LO. She said that the City still considers the auto repair and sales uses to be illegal.

Commissioner Sullivan brought up the issue of the property address being different from the access taken and asked if it was the owner's intent to have business recognized as on Bluebird.

**Jim Bennett**, the applicant's representative, said the mailing address is Bluebird Lane. They did attend the neighborhood plan steering committee and they support the zoning. There is no opposition from adjacent property owners. Mr. Bennett said that the president of the neighborhood association was present at the last Planning Commission meeting and he is now okay with the requested zoning.

Commissioner Medlin what would be allowed if the site was fully developed to GR. Ms. Walsh stated what the GR site development and compatibility regulations would be. Commissioner Moore asked if the applicant would have to submit site plan before construction and Ms. Walsh said yes.

Commissioner Reddy asked if condition can be imposed to limit impervious cover to the existing impervious cover. Ms. Walsh said yes but a survey would need to be requested.

Commissioner Medlin clarified with staff that the rollback zoning could be initiated after the use, not this particular business, ceases for more than 90 days.

Commissioner Reddy asked why the neighborhood would want the rollback provision instead of just planning on rezoning the property to LO zoning during the neighborhood planning rezonings. Commissioner Sullivan said that the business could continue as a legal non-conforming use.

***MOTION: CLOSE PUBLIC HEARING***

***VOTE: 7-0 (MH-1<sup>st</sup>, DS-2<sup>nd</sup>; CR-ABSENT)***

Commissioner Hollon made a motion. Commissioner Sullivan requested that the motion be amended to allow mixed-use and to limit site development regulations to LO standards. Those were accepted. Commissioner Reddy requested that the impervious cover be limited to existing

impervious cover on the site. Commissioner Sullivan said that the problem with that is that the neighborhood wants LO zoning – limiting the impervious cover may not allow the LO development. In addition, it might not be appropriate for auto repair to operate on the grass-allowing additional impervious cover will allow the auto repair to occur on pavement.

Mr. Bennett said that the LO standards may not be enough for the all the development requirements. For instance with impervious cover limited, may not be able to provide the minimum required amount of parking spaces.

Commissioner Hollon said that if there are no plans for changing the site, does the owner need to upgrade the site. He clarified that a site plan will have to be submitted if the owner wants to add on.

Commissioner Medlin pointed out that she asked the president of the neighborhood association at the last Commission meeting what his preference was, and he said single-family. She does not think the neighborhood understands what GR development would look like.

***MOTION: APPROVE GR-MU-CO WITH THE FOLLOWING CONDITIONS:***

- 1. LO SITE STANDARDS AND USES***
- 2. AUTO REPAIR AND SALES ONLY PERMITTED GR USES***
- 3. RESTRICTIVE COVENANT STATING OWNER WILL NOT OPPOSE REZONING TO LO WHEN USE CEASES FOR MORE THAN 90 DAYS.***
- 4. 2000 TRIP LIMITATION.***

***VOTE: 7-0 (MH-1<sup>st</sup>, DS-2<sup>nd</sup>; CR-ABSENT)***

- 4. ~~Zoning:~~ C14-04-0122 - Tuttle**
- ~~Location: 1111 West 7th Street, Town lake Watershed, Old West Austin NPA~~
- ~~Owner/Applicant: Tyson Tuttle~~
- ~~Agent: Crocker Consultants (Sarah Crocker)~~
- ~~Request: MF-4 to SF-3 and SF-5~~
- ~~Staff Rec.: **RECOMMENDED**~~
- ~~Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us~~
- ~~Neighborhood Planning and Zoning~~

Commissioner Hollon asked about Ms. Schwitters' concerns about alley access that she raised in her email. Glenn Rhoades said that the site plan stage they will look at the alley access issues, but generally a developer does not have to upgrade the alley if taking access to it.

Commissioner Hollon asked how many units are permitted on the site. **Sarah Crocker** presented the applicant's case and said that at the back of the lot they could not really fit more than 3 units. She explained that the applicant is requesting SF-5 because SF-6 triggers compatibility standards.

Commissioner Sullivan asked why there is a 30 foot height limit. Ms. Crocker said a nearby condo owner expressed concerns about the height and affect on the views and so Mr. Tuttle agreed to limit the height.