



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-6
AGENDA DATE: Thu 11/18/2004
PAGE: 1 of 1

SUBJECT: C14-04-0101 - South Lamar Boulevard-Evergreen Avenue-West Mary Street Rezoning (City Initiated)- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as area bounded by South Lamar Boulevard on the northwest, Evergreen Drive on the east, and West Mary Street on the south (West Bouldin Creek Watershed) from family residence (SF-3) district zoning, general commercial services (CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department (Sherri Gager). City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Alice Glasco

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0101

Z.A.P. DATE: August 17, 2004
September 7, 2004
September 21, 2004

ADDRESS: Area bounded by North Lamar Boulevard on the northwest, Evergreen Drive on the east, and West Mary Street on the south

OWNER/APPLICANT: City of Austin

AGENT: Neighborhood Planning & Zoning Department (Sherri Gager)

ZONING FROM: SF-3, CS, CS-CO, CS-MU-CO **TO:** CS-MU-CO **AREA:** 3.88 acres/168,910 sq. ft.

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant CS-MU-CO (General Commercial Services-Mixed Use-Conditional Overlay) zoning. The conditional overlay prohibits the following uses:

- Agricultural Sales and Services
- Commercial Blood Plasma Center
- Campground
- Construction Sales and Services
- Equipment Repair Services
- Equipment Sales
- Exterminating Services
- Funeral Services
- Kennels
- Laundry Services (Exceeding 5,000 sq. ft.)
- Limited Warehousing and Distribution
- Maintenance and Service Facilities
- Monument Retail Sales
- Vehicle Storage
- Veterinary Services

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/17/04: Approved GR-MU-CO zoning, prohibiting Funeral Services (7-1, K. Jackson-Nay, C. Hammond-absent); M. Whaley-1st, J. Martinez-2nd.

9/7/04: Recinded previous action and placed the case on the September 21, 2004 ZAP agenda for reconsideration. Requested that staff send out a courtesy notice to property owners stating that the property could be considered for down zoning. (8-0, J. Martinez-absent); M. Whaley-1st, T. Rabago-2nd.

9/21/04: Approved staff's recommendation of CS-MU-CO zoning; all GR uses; allowable CS uses are conditional (8-0, J. Gohil-absent); J. Donisi-1st, J. Martinez-2nd.*

* The Commission requested for staff to consider waiving the conditional use permit fee for site plan presently in process.

DEPARTMENT COMMENTS:

The property in question is currently developed from north to south with the following uses: automotive repair, retail sales (printer supply), insurance office, tattoo parlor, beauty parlor, sign shop, law office, retail sales (art, jewelry, and clothing sales), automotive repair, automotive sales, restaurant (Austin's Pizza), and automotive repair. The only portion of this block that is undeveloped is currently zoned CS-MU-CO (rezoned in case C14-01-0009). This tract of land fronts onto Evergreen Avenue. The property is a wooded area that is located behind an automotive sales use, which fronts Lamar Boulevard. There is currently a site plan in review for this property for an office/warehouse use (case SP-04-0377C).

When two re-zoning cases for located within this area were brought before the Zoning & Platting Commission for review in early 2004 (cases C14-04-0007 and C14-04-0040), the Commission requested the staff to initiate a zoning case to rezone the entire block/triangle area bounded by Lamar Boulevard, West Mary Street, and Evergreen Avenue up to CS-MU, General Commercial-Services-Mixed-Use District, zoning.

The staff recommends CS-MU-CO district zoning for these properties because the site is located in a commercial corridor of the city along Lamar Boulevard, a major arterial roadway. CS-MU-CO zoning will allow this site to redevelop with mixed use providing additional office, retail commercial, and residential uses in this heavily traveled area. The proposed zoning is consistent with the CS zoning and existing commercial uses surrounding the site to the north, south, east, and west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS, CS-CO, SF-3, CS-MU-CO, CS	Auto Repair, Retail (Printer Supply), Insurance Office, Tattoo/Beauty Parlor (Personal Improvement Services), Law Office, Retail, Auto Repair, Auto Sales (undeveloped, wooded area along Evergreen Avenue behind this use), Restaurant, Auto Repair
<i>North</i>	CS	Automotive Repair
<i>South</i>	CS, SF-3	Sound Studio, Convenience Storage, Apartments, Single-Family Residences
<i>East</i>	CS, SF-3, CS	Convenience Storage, Contractor Service, Single-Family Residences
<i>West</i>	CS, CS-1, CS	Office Park, Office, Office, Beauty Salon, Convenience Storage Units, Exterminating Services, Auto Repair, Restaurant, Auto Repair

AREA STUDY: N/A

TIA: N/A

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 107 – Zilker Neighborhood Association
- 127 – Bouldin Creek Neighborhood Association
- 300 – Terrell Lane Interceptor Association
- 428 – Barton Springs/Edwards Aquifer Conservation District
- 498 – South Central Coalition
- 511 – Austin Neighborhoods Council
- 943 – Save Our Springs Alliance

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0040	SF-3 to CS-CO	4/6/04: Indefinite Postponement* (7-0, K. Jackson-absent); J. Martinez-1 st , B. Baker-2 nd . * Directed staff to initiate a zoning change in the area of Lamar, bounded by South Lamar Boulevard, Evergreen Avenue, and West Mary Street (including both islands) for NO-MU to CS-MU zoning.	-
C14-04-0007	SF-3 to CS	4/6/04: Indefinite Postponement* (7-0, K. Jackson-absent); J. Martinez-1 st , B. Baker-2 nd . * Directed staff to initiate a zoning change in the area of Lamar, bounded by South Lamar Boulevard, Evergreen Avenue, and West Mary Street (including both islands) for NO-MU to CS-MU zoning.	-
C14H-02-0013	SF-3 to SF-3-H	9/25/02: Approved SF-3-H-NP on consent (9-0)	11/7/02: Approved SF-3-H-NP (7-0); all 3 readings
C14-01-0136	CS to CS-MU	10/23/01: Approved staff rec. of CS-MU-CO w/conditions (7-0) 11/27/01: Approved staff rec. of CS-MU-CO w/conditions (8-0)	1/10/02: Approved CS-MU-CO (6-0); all 3 readings
C14-01-0061	Dawson Neighborhood Plan	7/10/01: Motion to approve staff rec. failed (4-4). Send to Council with no recommendation (8-0)	7/19/01: Approved SF-3-NP, MF-2-NP, MF-3-NP, P-NP (6-0); 1 st reading; TR 19 & 33 re-notify for W/LO & CS; no action on property along S. 1 st Street & Congress Ave. 8/30/01: Approved SF-3-NP, MF-2-NP, MF-3-NP, LO-CO-NP, LR-CO-NP, GR-CO-NP,

			CS-CO-NP, CS-1-CO-NP, LI-CO-NP, P-NP (7-0); 2 nd reading 12/6/01: Approved SF-3-NP, MF-2-NP, MF-3-NP, LO-CO-NP, LR-CO-NP, GR-CO-NP, CS-CO-NP, CS-1-CO-NP, LI-CO-NP, P-NP (7-0); except TR 3 (6-1, BG-NO); 3 rd reading
C14-01-0047	CS to CS-MU	5/01/01: Approved staff rec. of CS-MU w/conditions read into record (7-0)	7/19/01: Approved CS-MU-CO w/other conditions (6-0); all 3 readings
C14-01-0009	SF-3 to CS	2/27/01: Approved staff alternate rec. of CS-MU-CO (w/ Arts & Craft Studio-General & Personal Improvement Services as only permitted 'CS' uses and all other 'LR' uses) by consent (8-0)	3/29/01: Approved CS-MU-CO w/other conditions (7-0); all 3 readings
C14-00-2172	SF-3 to CS	9/26/00: Approved CS-CO w/Custom Manufactured Signs and 'LR' uses permitted (8-0)	11/30/00: Approved CS-CO (w/ Custom Manufacturing as only permitted CS use & all 'LR' uses); (7-0); all 3 readings
C14-98-0030	CS to CS-1	4/28/98: Approved CS-1 w/conditions (8-0)	6/4/98: Approved PC rec. of CS-1 w/conditions (6-0); 1 st reading 6/25/98: Approved CS-1-CO w/conditions (6-0); 2 nd /3 rd readings
C14-97-0080	SF-3 to CS	8/26/97: Approved CS-CO (9-0)	9/25/97: Approved CS-CO w/conditions (7-0); 1 st reading 10/30/97: Approved CS-CO w/conditions (7-0); 2 nd /3 rd readings

RELATED CASES: C14-04-0040
C14-04-0007

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Lamar Boulevard	Varies	60'	Major Arterial
West Mary Street	56'	35'	Collector
Evergreen Boulevard	50'	25'	Local

CITY COUNCIL DATE: October 21, 2004

ACTION: Postponed to 11/18/04 by neighborhood (7-0)

November 18, 2004

ACTION:

ORDINANCE READINGS: 1st

2nd

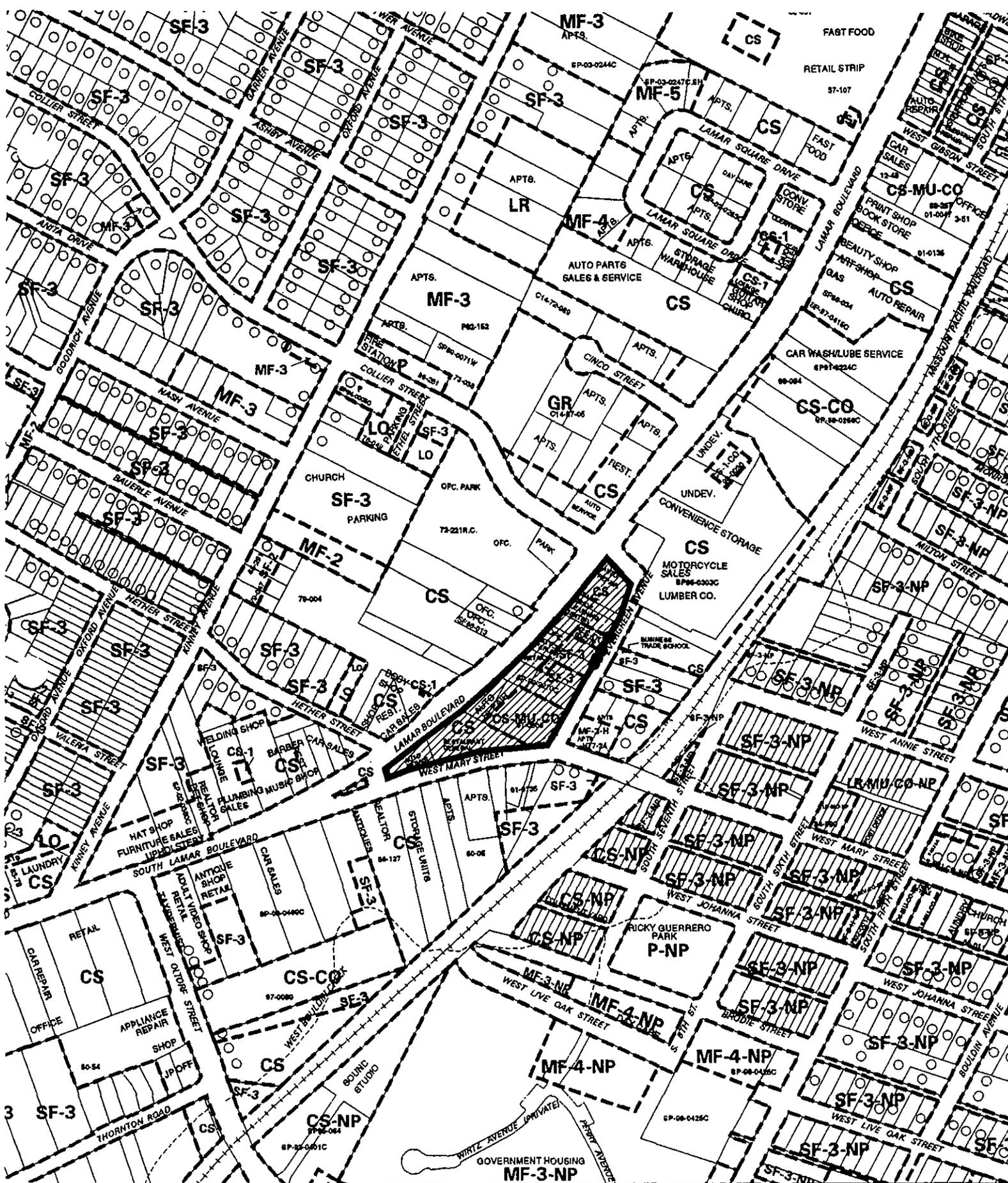
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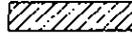
ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

PHONE: 974-3057,

sherri.gager@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-04-0101 ADDRESS: N LAMAR BLVD SUBJECT AREA (acres): 3.880	DATE: 04-07 INTLS: SM	CITY GRID REFERENCE NUMBER H20-21
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S. GAGER			
		GR-MU-CO-NP		

STAFF RECOMMENDATION

The staff's alternate recommendation is to grant CS-MU-CO (General Commercial Services-Mixed Use-Conditional Overlay) zoning. The conditional overlay prohibits the following uses:

Agricultural Sales and Services
Commercial Blood Plasma Center
Campground
Construction Sales and Services
Equipment Repair Services
Equipment Sales
Exterminating Services
Funeral Services
Kennels
Laundry Services (Exceeding 5,000 sq. ft.)
Limited Warehousing and Distribution
Maintenance and Service Facilities
Monument Retail Sales
Vehicle Storage
Veterinary Services

BACKGROUND

The property in question is currently developed from north to south with the following uses: automotive repair, retail sales (printer supply), insurance office, tattoo parlor, beauty parlor, sign shop, law office, retail sales (art, jewelry, and clothing sales), automotive repair, automotive sales, restaurant (Austin's Pizza), and automotive repair. The only portion of this block that is undeveloped is currently zoned CS-MU-CO (rezoned in case C14-01-0009). This tract of land fronts onto Evergreen Avenue. The property is a wooded area that is located behind an automotive sales use, which fronts Lamar Boulevard. When this property was brought before the Zoning & Platting Commission for review in 2001, the Commission requested that the staff initiate a zoning case to rezone the entire block/triangle area bounded by Lamar Boulevard, West Mary Street, and Evergreen Avenue to CS-MU, General Commercial Services-Mixed Use District, zoning.

The staff recommends CS-MU-CO district zoning for these properties because the site is located in a commercial corridor of the city along Lamar Boulevard, a major arterial roadway. CS-MU-CO zoning will allow this site to redevelop with mixed use providing additional office, retail commercial, and residential uses in this heavily traveled area. The proposed zoning is consistent with the CS zoning and existing commercial uses surrounding the site to the north, south, east, and west.

BASIS FOR RECOMMENDATION

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The purpose of the Mixed Use (MU) Combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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

The proposed zoning is consistent with the existing commercial zoning and uses surrounding the site to the north, south, east, and west. CS-MU-CO zoning will allow commercial, retail, and office uses that will provide services to the residential neighborhoods to the northwest of Lamar Boulevard (Zilker residential neighborhood) and to south east (Dawson residential neighborhood).

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

The proposed CS-MU-CO zoning will provide the ability for this site to redevelop with mixed use. This could create additional office, retail commercial, and residential combinations of uses in a heavily traveled area of the city.

EXISTING CONDITIONS

Site Characteristics

The property in question is currently developed with automotive repair uses, a printer supply business, an insurance office, a tattoo parlor, a beauty parlor, a sign shop, a law office, a retail sales use, automotive sales, and a restaurant. There is an undeveloped portion of this tract that consists of a wooded area, which is located behind an automotive sales use that fronts Lamar Boulevard.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95 %. 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.

The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

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

Transportation

Because this is a City initiated case no additional right-of-way is needed at this time. Additional right-of-way may be required with the subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 14,917 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).

The traffic impact analysis for this site was waived because this is a City initiated case. A traffic impact analysis will be required if at the time of site plan the proposed land use generates more than 2,00 vehicle trips per day.

Capital Metro bus service is available along Lamar Boulevard (Route #12).

West Mary Street is classified in the Bicycle Plan as a Priority 1 bike route. (Route #68).
Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Lamar Boulevard	Varies	60'	Major Arterial
West Mary Street	56'	35'	Collector
Evergreen Boulevard	50'	25'	Local

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 each lot with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria and specifications.

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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

This tract is already developed and the proposed zoning change is a footprint within the existing development. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-3 zoned property to the south, east & west and would be subject to the following requirements:

There was a site plan in for review: (SP-99-2210C), but was not finalized and was withdrawn from the review PIER system.

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

M E M O R A N D U M

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

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

DATE: October 13, 2004

SUBJECT: Zoning and Platting Commission Summary

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

CASE # C14-04-0101

8. C14-04-0101 – CITY OF AUSTIN – NPZD, By: City of Austin – Neighborhood Planning & Zoning Department (Sherri Gager), Area bounded by North Lamar Blvd. on the northwest, Evergreen Drive on the South east and West Mary Street on the south. (West Bouldin Creek). **FROM CS-MU-CO; SF-3, CS-CO TO CS-MU. ALTERNATE RECOMMENDATION: CS-MU-CO. City Staff: Sherri Gager, 974-3057.**

SUMMARY

Sherri Gager, staff – “This is a request from SF-3, CS-CO and CS-MU-CO; staff’s alternate recommendation for this property is to grant CS-MU-CO; the conditional overlay would prohibit the following uses, agricultural sales and services, commercial blood/plasm center, camp group, construction sales and services, equipment repair services, equipment sales, exterminating services, funeral services, kennels, laundry services exceeding 5,000 square feet; limited warehousing and distributing, maintenance and service facilities, monument retail sales, vehicle storage and veterinary services. Staff recommends the CS-MU-CO district for these properties because the site is located in a commercial corridor of the city along Lamar Blvd and major arteriole roadway; CS-MU-CO zoning will allow this site to redevelop with mixed use, providing additional office retail commercial and residential uses in a heavily traveled area in this city. The proposed zoning is consistent with the CS zoning and existing commercial uses surrounding the site to the North, South, East and West”.

Commissioner Baker – “Is there any opposition to this?”

Ms. Gager – “No”.

Commissioner Whaley – “Did you have any interest from any of the neighborhood groups?”

Ms. Gager – “I have not been contacted by anyone from a neighborhood association”.

Commissioner Whaley – “They were notified?”

Ms. Gager – “Yes”.

Commissioner Baker – “The only thing that I question and I don’t have a problem with staff recommendation because CS goes all the way through from Lamar to the railroad track; but in looking at this triangle, there isn’t a CS use on it. We really are doing them a favor, aren’t we?”

Ms. Gager – “On this actual property, there are CS uses on it”.

Commissioner Baker – “Which one”.

Ms. Gager – “Well, I guess you could do it in GR, I didn’t think about that; personal improvement services, you’re correct, would be...”

Commissioner Baker – “I couldn’t find one, that surprises me that we’re up zoning it and it’s not necessarily inappropriate given the depth of the CS all the way to the railroad track”.

Ms. Gager – “Staff’s recommendation was based on, we felt that CS was an appropriate district for this area; based on the purpose statement”.

Commissioner Whaley – “I have a comment, we had initiated this case and it’s just so over zoned that GR would really be more appropriate, even GR-MU-CO. I understand staff’s recommendation; I understand that impervious cover is going to be limited. I’m much more inclined to do GR-MU-CO, but that’s just my comment”.

Ms. Gager – “There is a site plan that I just received today from Sue Welch, for the property that is currently zoned CS-MU-CO, that is undeveloped, that we speak about in the report. It shows a warehousing structure as well as office on it, so that’s a more intensified use that they are asking for warehouse as well”.

Commissioner Baker – “That would work under W/LO”.

Ms. Gager – “Yes”.

Commissioner Baker – “You also have a floodplain here”.

Ms. Gager – “Yes, it’s directly adjacent”.

Commissioner Baker – “Looks like our efforts to make it better back fired”.

FAVOR

No Speakers.

OPPOSITION

No Speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Whaley – “I think there’s someone here to speak”.

Commissioner Baker – “I’m sorry, can I have a motion to undo the closing of public hearing?”

Commissioner Martinez moved; and Commissioner Whaley second.

Ms. Gager – “Mr. Bennett did have the case that initiated this zoning case. He brought forth a case for CS zoning; it as C14-04-0040 and that is where this was initiated by the commission”.

Jim Bennett – “I’m here to support the staff’s position for CS zoning, as I was 6 months ago. However, the area may currently have a lot of GR uses, I think with the CS it make it more addible for redevelopment; a lot of the property that’s there now is not current development. There’s a lot of older stuff; and I think it might entice someone to do a better over all development at this site. CS appears to be appropriate if you’re looking at the overall zoning pattern”.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Whaley – “I’ll make a motion for GR-MU-CO with a conditional overlay for vehicle trips”.

Commissioner Martinez – “Second”.

Commissioner Rabago – “Please repeat the motion”.

Commissioner Whaley – “Motion for GR-MU-CO with a conditional overlay for 2000 vehicle trips”.

Commissioner Baker – “Vehicle trips is going to have to...”

Ms. Gager – “Because this is a city initiated case, there is no vehicle prohibition on this case; so it’s up to you if you would like to do that; however, these properties are currently zoned with 2000 on each site”.

Commissioner Whaley – “Okay, just GR-MU; this is painful after we have traumatized Mr. Bennett. I think there’s a lot of over zoning on this strip; I think the MU component adds more to the vision that I would think the neighborhood would be more in alignment with to try to see redevelopment. I think we initiated this tract because there was so many pieces of CO that you couldn’t see redevelopment in it and have it divide up with all the different little CO’s. I would like to see this be redeveloped in a different manner”.

Commissioner Martinez – “I agree”.

Commissioner Baker – “Is funeral services permitted in GR?”

Ms. Gager – “I will check for you; I was also notified that there is a sign shop that would not be allowed by the GR zoning that does exist on it; but it would be grandfathered”.

Commissioner Baker – “There’s really not much you can do with this unless it’s a unified development; bits and pieces have just... we have a restaurant site there that’s been there....”

Ms. Gager – “Funeral services are permitted in the GR zoning district”.

Commissioner Baker – “Would you like to add a CO and prohibit funeral services, please?”

Commissioner Whaley – “Yes”.

Commissioner Martinez – “I accept”.

Commissioner Baker – “Thank you; also you have your setback from Evergreen; your setback from Lamar, from West Mary. You have a floodplain running through; you got a drainage running through there; I think CS is too intense, unless someone came in and bought ever parcel, I can’t see that CS would serve a purpose”.

Commissioner Whaley – “The site plan that’s in; at what stage is it in?”

Ms. Gager – “It is under review; in the review process, it has not been finalized yet”.

Commissioner Whaley – “Would it be approved before this goes to Council?”

Ms. Gager – “I do not know”.

Commissioner Baker – “If there’s a case filed that’s pending and in process, that case would proceed on regardless of the action taken; and will the action apply to it since it is already in the pipeline more or less?”

Law Department – “I’m not sure if I understand how you’re presenting the question”.

Commissioner Baker – “Normally when a case has been filed...”

Commissioner Jackson – “Which case are you talking about?”

Commissioner Baker – “The site plan, it’s on the CS tract; it would just proceed, am I correct? That’s my understanding”.

Law Department – “Proceed in regarding of the action here?”

Commissioner Baker – “Yes”.

Law Department – “And the action here is to approve ...”

Commissioner Baker – “We are down zoning”.

Law Department – “I don’t know the answer, but I will try to find out”.

Commissioner Baker – “Thank you”.

Ms. Gager – “You are correct that the site plan is the CS-MU-CO tract, that’s within the triangle area. It’s the only property zoned CS-MU-CO currently. In my case report, it is the only property that is undeveloped on this site”.

Commissioner Whaley – “Is there floodplain on that tract?”

Ms. Gager – “According to GIS, the floodplain just misses this site”.

Commissioner Baker – “Any other comments or expressions of frustration?”

Commissioner Rabago – “Can you tell us which businesses are operating in that area at this time?”

Ms. Gager – “There’s a list in the support material”.

Ms. Gager read some of the businesses in the area.

Commissioner Baker – “So there’s only one CS use?”

Ms. Gager – “Yes; the sign shop”.

Commissioner Baker – “Let’s explore and go further north on Lamar; there’s a motorcycle shop; some storage that has access of Evergreen; there’s some convenient storage, warehousing; I don’t know if we’re accomplishing anything. This is a treed area, which is surprising”.

Commissioner Donisi – “I think we pulled this and evolved the way that it has because we wanted to treat this in a consistent manner, so perhaps, there’s a motion on the table now; we can address that motion and this legal issue, obviously Council needs to look into it and we can let Council deal with that. Legal Council needs to look at it; and by the time it gets to City Council, perhaps this issue may get resolved on its own or Council can deal with it. So what I’m saying, for the sake of consistency, I’m speaking in support of the motion that’s on the table”.

Commissioner Baker – “Okay, all in favor of the motion, please say aye”.

Aye.

Commissioner Jackson – “Nay”.

Motion carried.

**COMMISSION ACTION:
MOTION:**

AYES:

NAY:

ABSENT:

MOTION CARRIED WITH VOTE: 7-1.

**WHALEY, MARTINEZ
APPROVED GR-MU-CO ZONING;
PROHIBIT FUNERAL SERVICES.
GOHIL, MARTINEZ, BAKER, DONISI,
WHALEY, RABAGO, PINNELLI
JACKSON
HAMMOND**

M E M O R A N D U M

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

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

DATE: October 13, 2004

SUBJECT: Zoning and Platting Commission Summary

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

CASE # C14-04-0101 (Sept. 21, 2004)

3. C14-04-0101 – CITY OF AUSTIN – NPZD, By: City of Austin – Neighborhood Planning & Zoning Department (Sherri Gager), Area bounded by Lamar Blvd. on the northwest, Evergreen Drive on the southeast and West Mary Street on the south. (West Bouldin Creek). **FROM CS-MU-CO; SF-3, CS-CO TO CS-MU. ALTERNATE RECOMMENDATION: CS-MU-CO. City Staff: Sherri Gager, 974-3057. RESCINDED AND RECONSIDERED ON 9-7 (ZAP).**

SUMMARY

Sherri Gager, staff – “Staff’s alternate recommendation is to grant CS-MU-CO zoning; the conditional overlay would prohibit the following uses; agricultural sales and services, commercial blood/plasma center, camp ground, construction sales and services, equipment repair services, equipment sales, exterminating services, funeral services, kennels, laundry services exceeding 5,000 square feet, limited warehousing and distribution, maintenance and service facilities, monument retail sales, vehicle storage and veterinary services. The property in question is currently developed from north to south with the following uses; automotive repair, retail sales, insurance office, tattoo parlor, beauty parlor, sign shop, law office, retail sales, automotive repair, automotive sales, and a restaurant; and another automotive repair business. The only portion of this block that undeveloped is currently zoned CS-MU-CO; this tract of land fronts onto Evergreen Avenue, the property is a wooded area that is location behind an automotive sales use, which fronts South Lamar Blvd. There is currently a site plan in review for this property, which is for an office warehouse. Staff recommends CS-MU-CO district zoning for these properties because the site is located in a commercial corridor of the city along South Lamar Blvd., a major arteriole roadway. CS-MU-CO zoning will allow the site to redevelop with mixed use providing additional office, retail, commercial and residential uses, in this heavily traveled area of the city. The request zoning is consistent with the CS zoning and existing commercial uses surrounding this site to the North, South, East and West. I want to note that I did receive and passed out a response that I did receive from Tony Choben, who is an agent from one of the property owners”.

Commissioner Baker – “Do you know which property?”

Mr. Choben - “1704 & 1706”.

Commissioner Baker – “Is that near where Evergreen runs into Lamar? Let me ask Legal a question first, before we get into discussion.”

Commissioner Martinez – “I wanted to ask a question because I wasn’t here; can someone tell me what changed that led up to the reconsideration of this case? Why are we reconsidering this case?”

Commissioner Baker – “Several commissioners were contacted by Mr. Bennett, saying that he had a user who had his site plan in for CS use; and the way that the notice was interpreted from all of those zoning categories and then we told them they shouldn’t

advertise for the most permissive because we couldn't do anything less; they assumed that we were going the most permissive and he felt that they were misled".

Commissioner Martinez – "Okay".

Commissioner Baker – "Ms. Terry, if we did a zoning and recommended CS-MU; permitted all GR uses and required that any CS use, have a conditional use permit, would that be possible?"

Marty Terry, City Attorney – "I believe so; I think that is possible".

Commissioner Baker – "I heard Ms. Gager say, "office and warehouse".

Ms. Gager – "The site plan that is in for the CS-MU-CO property that was rezoned last year, is for an office warehouse use".

Commissioner Baker – "And it would require CS in your opinion?"

Ms. Gager – "Yes".

Commissioner Baker – "Would it be exempt from any action we take?"

Ms. Gager – "The site plan was submitted after the zoning case was initiated".

Commissioner Baker – "Thank you; so it would not be".

Jim Bennett, applicant – "Back in April I filed a zoning change for 1704 and 1706 Evergreen, as a result of that meeting, the commission recommended a neighborhood study and we've been in the process since that time. My client is not the owner of the site plan that you were just making reference to; we're the owners of the property that's currently SF-3. I would like the commission to consider the CS zoning that we recently applied for..."

Commissioner Baker – "What are the proposed uses, Mr. Bennett?"

Mr. Bennett – "We don't have any proposed uses, we are proposing to put in on the market for sale; at that time, uses and site plans will be developed".

Commissioner Baker – "Continue with your presentation, sorry for interrupting you".

Mr. Bennett – "It did appear that the city was going to change this to CS-MU, which I think a lot of people didn't have a problem with, because that's better than the CS zoning that was there, as a result of that action your recommendation for GR ...that's when I addressed some of the commission members about perhaps everything not sounding exacting right; so you were generous and allowing the reconsideration of it to clear up any questions that could have availed".

FAVOR

Mitchell Whitten – Spoke in favor.

Commissioner Baker – “Sir the original notice you got, indicated all of those zoning categories, with a proposal to zone it as high as CS-MU; but there was nothing indicating in that notice, that we were going to recommend the CS-CO; so I’m sorry that you misinterpreted”.

Tony Choben – Spoke in favor.

OPPOSITION

No Speakers.

Commissioner Baker – “I have a real problem with this; Lamar is tremendously over zoned, there’s not a CS use in this island right now. It’s bordered by three streets and has a drainage easement or creek that leads under Evergreen; and I have a real problem going with CS-MU; I don’t have a problem with CS-MU-CO with all permitted GR uses and prohibiting the CS uses outlined by staff and any other CS uses would require a conditional use permit”.

Commissioner Donisi – “Was that a motion?”

Commissioner Baker – “No sir, it was an opinion, it sounded like a motion”.

Commissioner Martinez – “Restate your comment, please”.

Commissioner Baker – “I’m comfortable with CS-MU-CO; permitted GR uses, excluding CS uses recommended by staff and allowing all permitted GR uses requiring CS that would be permitted, that are not prohibited, would require a conditional use permit”. “I really don’t want to make the motion because I feel very strongly about it, I just wanted to express my opinion”.

Commissioner Whaley – “And what do with the site plan case that was in process that didn’t get in prior to the zoning case; because then that puts them in a conditional use permit”.

Commissioner Baker – “I would assume that the site plan comes close to meeting all the requirements, as far as information; having the data and everything. If you would like to suggest perhaps that the fee be waived since a zoning case was in place and turn it as a conditional use permit. I don’t have a problem with that; but it came in after the case was initiated, so it didn’t get under the wire”.

Commissioner Whaley – “What point in process is that site plan?”

Ms. Gager- "It's under review right now; 1st round".

Commissioner Baker – "When I think about all of the neighborhood cases that I've watched and heard, this is such a minor change and I think a positive one, if there could just be some continuity for this island, it needs one owner, it's really a mess".

Commissioner Donisi – "I'm happy to make the motion that you said".

[Laughter]

Commissioner Donisi – "I make a motion for CS-MU-CO; all GR uses, allowable CS uses as conditional use permit".

Commissioner Martinez – "Second".

Commissioner Baker – "Was there a traffic limitation?"

Ms. Gager – "As a city initiated case, they do not have a traffic limitation".

Commissioner Jackson – "Can we add that we're prohibiting that staff is recommending?"

Commissioner Baker – "Yes, does everyone understand the motion?"

Commissioner Donisi – "I accept the friendly amendment".

Commissioner Martinez – "Okay".

Commissioner Baker – "May we request respectfully that the staff consider waiving the conditional use permit fee for the case that's in house".

Commissioner Donisi – "I wanted to compliment the staff on their work on this case".

Commissioner Baker – "I appreciate it too".

Motion carried.

**COMMISSION ACTION:
MOTION:**

**DONISI, MARTINEZ
APPROVED STAFF'S
RECOMMENDATION OF CS-MU-CO
ZONING; ALL GR USES;
ALLOWABLE CS USES ARE
CONDITIONAL.**

*** COMMISSION REQUESTED FOR
STAFF TO CONSIDER WAIVING
THE CONDITIONAL USE PERMIT
FEE FOR SITE PLAN PRESENTLY
IN PROCESS.**

AYES:

**HAMMOND, MARTINEZ, BAKER,
DONISI, WHALEY, RABAGO,
PINNELLI, JACKSON.**

ABSENT:

GOHIL

MOTION CARRIED WITH VOTE: 8-0.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, PO Box 1088, Austin, TX 78767-8835.

File # C14-04-0101 SG

Zoning & Platting Commission Hearing Date: August 17, 2004

Name (please print) victor + Angie Deasmond

I am in favor
(*Estoy de acuerdo*)

Address 6701 Wolfcreek Pass 78749

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

“COURTESEY NOTICE”

**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 14, 2004
Mailing Date of first Notice: July 8, 2004

File Number: C14-04-0101

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE: (See map) Area bounded by North Lamar Blvd on the northwest, Evergreen Drive on the South east and West Mary Street on the south

PROPOSED ZONING CHANGE:

FROM: CS--General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. CS-MU-CO-General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district. 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. SF-3--Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements. CS-CO-General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. 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.

“This property could be considered for a downzoning during this process.”

TO: CS-MU-General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district. **“This property could be considered for a downzoning during this process.”**

OWNER: City of Austin, Neighborhood Planning and Zoning Dept. (Sherri Gager) PHONE: (512) 974-3057

ZONING & PLATTING COMMISSION HEARING DATE: September 21, 2004 TIME: 6:00 p.m.

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 # C14-04-0101 SG Zoning & Platting Commission Hearing Date: September 21, 2004

Name (please print) Mike Hardy

Address 1615 S. Lamar
Austin, TX 78704

- I am in favor
(Estoy de acuerdo)
- I object
(No estoy de acuerdo)

Gager, Sherri

From: latherton@austin.rr.com
Sent: Wednesday, October 20, 2004 2:34 PM
To: Gager, Sherri
Cc: Goodman, Jackie; Slusher, Daryl; Alvarez, Raul; Thomas, Danny; McCracken, Brewster; Dunkerley, Betty; Wynn, Will; 'Heffernan'
Subject: Postponement of C14-04-0101

Hello, Ms. Gager.

The Zilker Neighborhood Association's quarterly meeting is Monday, Oct. 25, and at that time our zoning committee would very much like to give the association's membership the opportunity to comment on the list of prohibited uses recommended for the Evergreen-Mary rezoning case. ZNA therefore requests a one-week postponement of Thursday's hearing on C14-04-0101. Without some further discussion with the general membership, the ZNA executive committee would feel obligated to oppose the recommended CS-MU-CO zoning change and support the Zoning and Platting Commission's earlier GR-MU-CO proposal.

Your phone call was very helpful in clarifying the neighborhood's options in this complicated case. Thank you very much for your time and patience.

Lorraine Atherton
(447-7681)
and Michael Heffernan
(ZNA Zoning Chairman)