

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



**AGENDA ITEM NO.: Z-23
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0042 - 11601 North Lamar Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11601 North Lamar Blvd. (Walnut Creek Suburban Watershed) from interim rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Steven Tong. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Jerry Rusthoven, 974-3207.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

**DIRECTOR'S
AUTHORIZATION:** Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0042

Z.A.P. DATE: May 17, 2005
June 21, 2005

ADDRESS: 11601 North Lamar Boulevard

OWNER/APPLICANT: Steven Tong

AGENT: Shaw Hamilton Consultants
(Shaw Hamilton)

ZONING FROM: I-RR

TO: GR

AREA: .56 Acres

SUMMARY STAFF RECOMMENDATION: Updated 7/29/2005

To recommend rezoning from interim – rural residence (I-RR) zoning district to limited office conditional overlay (LO-CO) zoning district. The conditional overlay would limit vehicle trips to less than 2000 per day. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of North Lamar Boulevard in accordance with the Transportation Plan.

ZONING & PLATTING COMMISSION RECOMMENDATION:

Rezoning:	C14-05-0042 - 11601 No. Lamar Blvd
Location:	11601 North Lamar Blvd, Walnut Creek Watershed
Owner/Applicant:	Steven H. Tong
Agent:	Shaw Hamilton Consultants
Request:	I-RR to GR
Staff Rec.:	RECOMMENDATION OF LO-CO
Staff:	Thomas Bolt, 974-2755, thomas.bolt@ci.austin.tx.us Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR LO-CO ZONING WITH 2000 VEHICLE TRIP LIMIT.

[J.M; C.H 2ND](8-0) K.J – ABSENT

ISSUES:

This property has been developed not all uses are allowed in the Limited Office zoning district category.

DEPARTMENT COMMENTS:

This property is situated between two properties of the same size all-fronting on No. Lamar Blvd. This area is part of the North Lamar Area Study which designates land along this section (east side) should be zoned for office use.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Computer sales, tile sales, real estate sales, bike shop, wedding planner
<i>North</i>	LO	Medical spa
<i>South</i>	LO	Single- family residence
<i>East</i>	SF-1	Residential
<i>West</i>	P & SF-2	Fire station and single family residential

AREA STUDY: North Lamar Area Study **TIA:** Vehicle trips limit of 2000 per day

WATERSHED: Walnut Creek (Suburban) **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

#064 River Oaks Lakes Estates Neighborhood
 #085 Walnut Creek Neighborhood Association
 #114 North Growth Corridor Alliance
 #511 Austin Neighborhoods Council
 #742 Austin Independent School District
 #937 Taking Action Inc.

SCHOOLS:

Walnut Creek Elementary School
 Dobie Middle School
 Lanier High School

CASE HISTORIES:

NUMBER	REQUEST	ZONING & PLATTING COMMISSION	CITY COUNCIL
C14-03-0162	LO to GR	Approved GR-CO 12/16/03	Approved GR-CO 1/29/04 – 3 Readings
C7A-00-003	Annexation		Approved 12/21/2000

RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks
N. Lamar	114'	65'	Major Arterial	No

CITY COUNCIL DATE: July 28, 2005

ACTION: Postponed to 9/29

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Thomas Bolt

PHONE: 974-2755

e-mail address: Thomas.bolt@ci.austin.tx.us



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: T. BOLT

CASE #: C14-05-0042
ADDRESS: 11601 N LAMAR BLVD
SUBJECT AREA (acres): 0.560

ZONING

DATE: 05-03
INTLS: SM

CITY GRID
REFERENCE
NUMBER
M32



City of Austin

C14-05-0042

11601 N LAMAR BLVD.

REQUEST: FROM I-RR TO GR

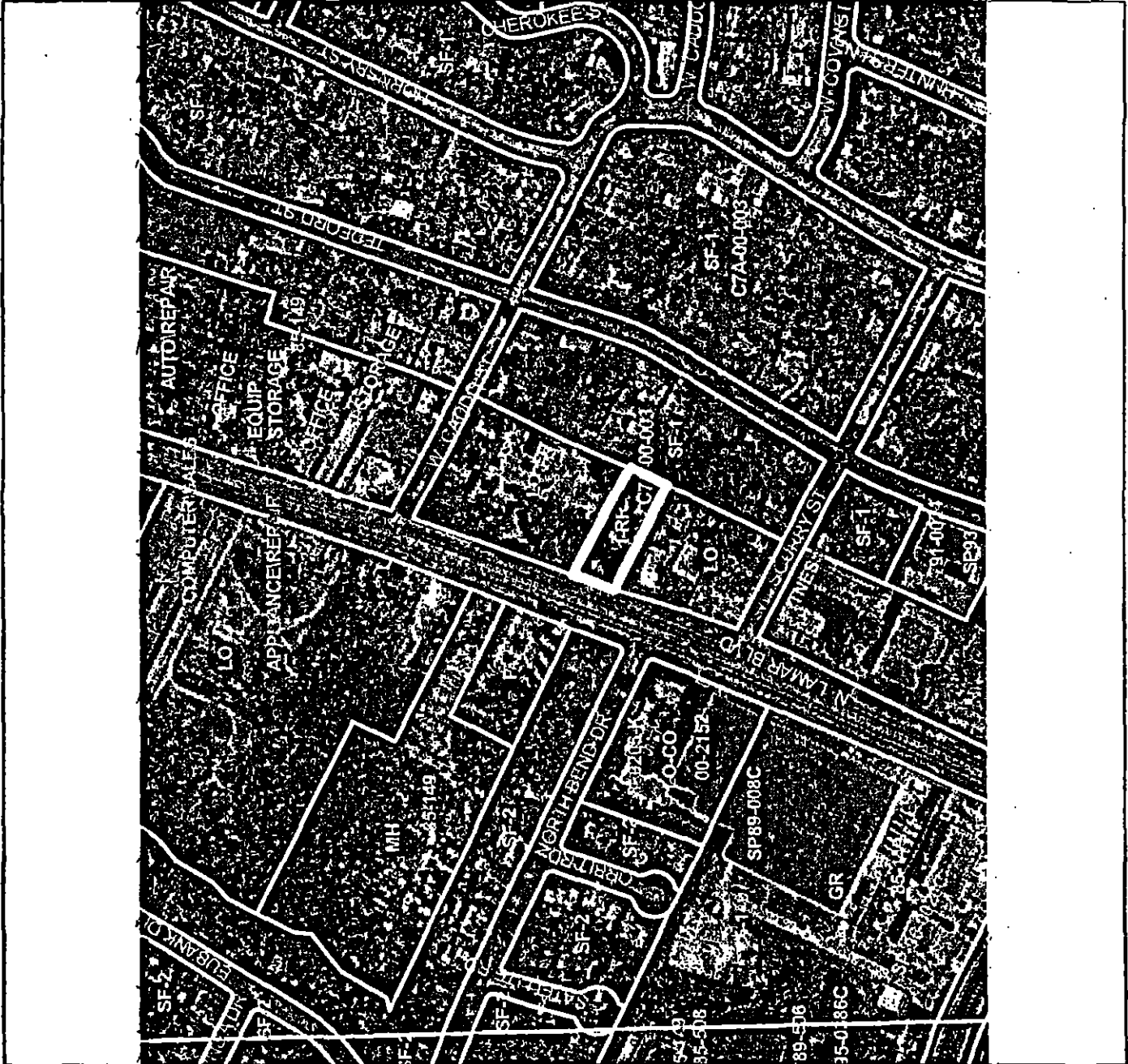
STAFF RECOMMENDED: LO

OWNER: STEVEN TONG
AGENT: SHAW HAMILTON
CONSULTANTS

Zoning
Subdivision
Base
Center Line



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**MAP 4
SCENARIO 2:
RECOMMENDED
LAND USE**



STAFF RECOMMENDATION

To recommend rezoning from interim – rural residence (I-RR) zoning district to limited office (LO) conditional overlay zoning district. The conditional overlay would limit vehicle trips to less than 2000 per day. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of North Lamar Boulevard in accordance with the Transportation Plan.

BACKGROUND

This area was annexed in December of 2000. It is unknown if the property was used for any of the uses listed in existence prior to annexation.

BASIS FOR RECOMMENDATION

Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.

The subject property is the only property on the block between Caddo Street to the north and Scurry Street to the south, which has retained the interim zoning assigned at annexation. All other properties on this block are zoned LO.

The proposed zoning should be consistent with the goals and objectives of the City Council.

The subject property is located within the boundaries of the North Lamar Area Study. This study indicates proposed office use for the area. The zoning recommended with the plan resulted in LO zoning districts along this section of North Lamar Blvd.

Zoning should allow for reasonable use of the property.

The LO zoning that staff recommends is consistent with zoning in the area and would allow for uses that compliment those already located in the area.

EXISTING CONDITIONS

Impervious Cover

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

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family	50%	60%

(minimum lot size 5750 sq. ft.)		
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

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

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

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

Water Quality Control Requirements

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

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

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

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for North Lamar Boulevard. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of North Lamar Boulevard in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 2,714 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]

Water and Wastewater

The landowner intends to serve the tract with City of Austin water and wastewater utility service. If water or wastewater utility improvements are required, the landowner will be responsible for all cost and for providing the utility improvements.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

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

- No structure may be built within 25 feet of the property line.
- No structure in excess of 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of 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.
- A landscape area at least 25 feet wide is required along 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.

4. **Rezoning:** C14-05-0042 - 11601 No. Lamar Blvd
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Neighborhood Planning and Zoning Department

SUMMARY

Tom Bolt, staff – “This is a request to rezone property located at 11601 North Lamar Blvd., from Interim RR to GR; staff is offering an alternate recommendation of LO with a conditional overlay limiting the trips to 2000. The reason that staff is offering a zoning other than what is being requested is that this particular property is the same size as to the property both to the north and south, each of those have LO zoning, behind it or to the east, we have SF-1 zoned property, we have the North Lamar Study, which has indicated a preference for office type zoning in this area; for that reason staff feels that the LO zoning is appropriate. The property has been developed with a number of shops, at my last visit; there was computer sales, tile sales, real estate sales, a bike shop and a wedding planner in there. I do not have records of permits that were issued, I’m not sure if there’s certificate of occupancies; but most of these tenant basis would not be allowed under the LO that we’re requesting, but would be allowed under the GR zoning”.

Shaw Hamilton, applicant – “I realize that there is SF-1 zoning behind the existing uses, they have no impact to lighting, to traffic, to noise; and he’s willing to restrict the uses, to the existing uses that are there now”.

Commissioner Baker – “Which are?”

Mr. Hamilton – “Wedding Planner, real estate, tiles sales, bicycle shop, computer sales & services”.

Commissioner Baker – “Wouldn’t tile sales be construction sales and service? Isn’t that a CS use?”

Mr. Bolt – “It’s a very small shop; it’s more of a retail type of operation. I’m not sure if you can contract out of this specific shop or not; my understanding was that it was sales”.

Commissioner Baker – “What kind of tiles are we selling?”

Mr. Hamilton – “Floor tiles; the total square footage of the building is 4500 square feet, total”.

Commissioner Baker – “But that requires CS zoning, Mr. Hamilton”.

Mr. Hamilton – “Okay, then take that one out, I don’t have a problem with that”.

FAVOR

No Speakers.

OPPOSITION

Wayne Tobias, representing Walnut Creek Neighborhood – Spoke in opposition. “After we received notification for the proposed change in the zoning, my neighborhood board met with the owner’s representative to gain an understanding of the plans for the property. After listening to the representative the board discussed the pros and cons; allowing GR in this property is inappropriate against SF-1 zoning property and will open doors to other zoning cases along other sections of Lamar. The board respectfully request that you support staff recommendation to deny GR zoning”.

REBUTAL

Mr. Hamilton – “I do not have any comment, except for the fact that I don’t believe a domino effect will occur; the city has changed a bunch”.

Commissioner Baker – “Has your client been red tagged?”

Mr. Hamilton – “Yes”.

Commissioner Martinez and Gohil moved to close the public hearing”.

Commissioner Martinez – “I’ll make a motion that we approve staff’s recommendation for LO-CO zoning; with the 2000 vehicle trip limit per day”.

Commissioner Hammond – “I’ll second”.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**MARTINEZ, HAMMOND
APPROVED STAFF’S
RECOMMENDATION FOR LO-CO
ZONING WITH 2000 VEHICLE TRIP
LIMIT.**

AYES:

**GOHIL, BAKER, DONISI, PINNELLI,
RABAGO, HAMMOND, MARTINEZ,
WHALEY**

ABSENT:

JACKSON

MOTION CARRIED WITH VOTE: 8-0.