

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



**AGENDA ITEM NO.: Z-14
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0104 - Smith 1.2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11912-B North Lamar Boulevard (Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Applicant: Clay Chip Smith. Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0104

Z.A.P. DATE: August 16, 2005

ADDRESS: 11912-B North Lamar Boulevard

APPLICANT: Clay Chip Smith

AGENT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: NO

TO: GO

AREA: 1.285 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant the request for GO-CO, General Office-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/16/05: Approved staff's recommendation for GO-CO zoning with the following additional conditions:

- The property shall have a 10-foot vegetative buffer along North Lamar Boulevard;
- Detention for the site should be addressed at the time of site plan review;
- Create a restrictive covenant (public or private as determined by the Law Department) to prohibit Modeling Services in a Personal Services use. The restrictive covenant shall be filed prior to 3rd reading of the case at City Council.

Vote: 8-0, K. Jackson-absent; C. Hammond-1st, J. Martinez-2nd.

DEPARTMENT COMMENTS:

The property in question contains an asphalt driveway that provides access to what appears to be a vacant single family home. There are overhead electric transmission lines that transverse the site from the southwest to the northeast property lines (Property Survey – Attachment A). The applicant is requesting GO, General Office District, zoning so that the site can be developed with a parking lot. According to the agent for the case, the applicant plans to donate this land to the mosque (located to the south of the subject tract) so that they can utilize the site for additional parking.

The staff recommends GO-CO zoning for the tract under consideration because the proposed zoning will allow for a transition in the intensity of uses from the W/LO, Warehouse/Limited Office District, zoning to the north to the NO, Neighborhood Office District, zoning to the south. GO-CO zoning promotes consistency and orderly planning because the property in question fronts North Lamar Boulevard, a major arterial roadway, and it is located adjacent

to existing office zoning to the north, south, and east. The proposed GO zoning complies with office recommendation for this tract on the future land use map in the North Lamar Area Study (North Lamar Area Study Future Land Use Map – Attachment B).

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NO	Asphalt Driveway, Vacant Single-Family Residence, Overhead Electric Transmission Lines with Metal Support Towers
<i>North</i>	W/LO	Steel/ Brick Supply Company
<i>South</i>	NO, W/LO	Two Vacant Single Family Residences, Church (Brentwood Oaks Church of Christ), Mosque
<i>East</i>	NO, SF-1	Undeveloped Tract, Single-Family Residential Neighborhood
<i>West</i>	SF-5	Private School

AREA STUDY: North Lamar Area Study **TIA:** Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 64 – River Oaks Lakes Estates Neighborhood
- 85 – Walnut Creek Neighborhood Association
- 114 – North Growth Corridor Alliance
- 480 – Scofield Farms Residents Association
- 511 – Austin Neighborhoods Council

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0066	LO to GR	7/05/05: Approved GR-CO zoning for Tract 1. The conditional overlay for Tract 1 will prohibit the uses set out by staff, except to allow Food Sales as a permitted use. Approved LO-CO zoning for Tract 2. The conditional overlay will limit Tract 2 to NO (Neighborhood Office) development regulations, prohibit Medical uses, prohibit parking for	8/04/05: Pending

		uses developed on Tract 1, and require a minimum 100-foot development setback from the centerline of Walnut Creek (7-1, C. Hammond-Nay; M. Hawthorne-Absent)	
C14-04-0133	DR, LO to GR	10/5/04: Approved staff's recommendation of GR-CO district zoning for Tract 1 and LO-CO district zoning for Tract 2. Additional condition for Tract 1 is LR development standards. The following uses are removed from the prohibited use list: Business or Trade School; General Retail Sales (General); Business Support Services; Consumer Repair Services; Financial Services, and Pet Services (9-0); K. Jackson-1 st , J. Martinez-2 nd .	10/21/04: Approved staff's recommendation of GR-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with additional condition of 'LR' district development standards for Tract 1 (7-0); 1 st reading 11/4/04: Approved GR-CO zoning for Tract 1 and LO-CO for Tract 2 (7-0); 2 nd /3 rd readings
C14-03-0162	LO to GR-CO	12/2/03 – Postponed at the request of staff, due to a notice error (9-0) 12/16/03 – Approved GR-CO, with added condition (8-0)	1/29/04: Approved GR-CO (5-0); all 3 readings
C14-00-2020	RR to GO-CO	4/18/00: Denied (6-0)	8/30/00: Withdrawn
C14-00-2152	DR to LO-CO	8/22/00: Approved LO-CO. The CO prohibits access to North Bend Dr. and limits trips to 2,000 per day (8-0)	10/5/00: Approved LO-CO (5-0); all 3 readings
C14-99-2055	RR to NO	11/16/99: Approved staff rec. of RR by consent (6-0-1, B. Baker-abstain)	9/21/00: Withdrawn-There was a mapping error, the property was already zoned NO.
C14-90-0002	NO to W/LO	4/10/90: Approved W/LO (5-0-3)	5/10/90: Approved W/LO (6-0); 1 st reading 8/2/90: Approved W/LO (6-0); 2 nd /3 rd readings

RELATED CASES: SP-95-0059C, SP-98-0202C

ABUTTING STREETS:

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

CITY COUNCIL DATE: September 29, 2005

ACTION:

ORDINANCE READINGS: 1st

2nd

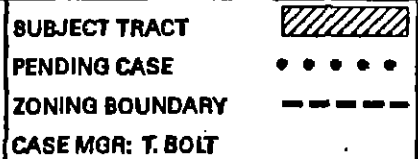
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

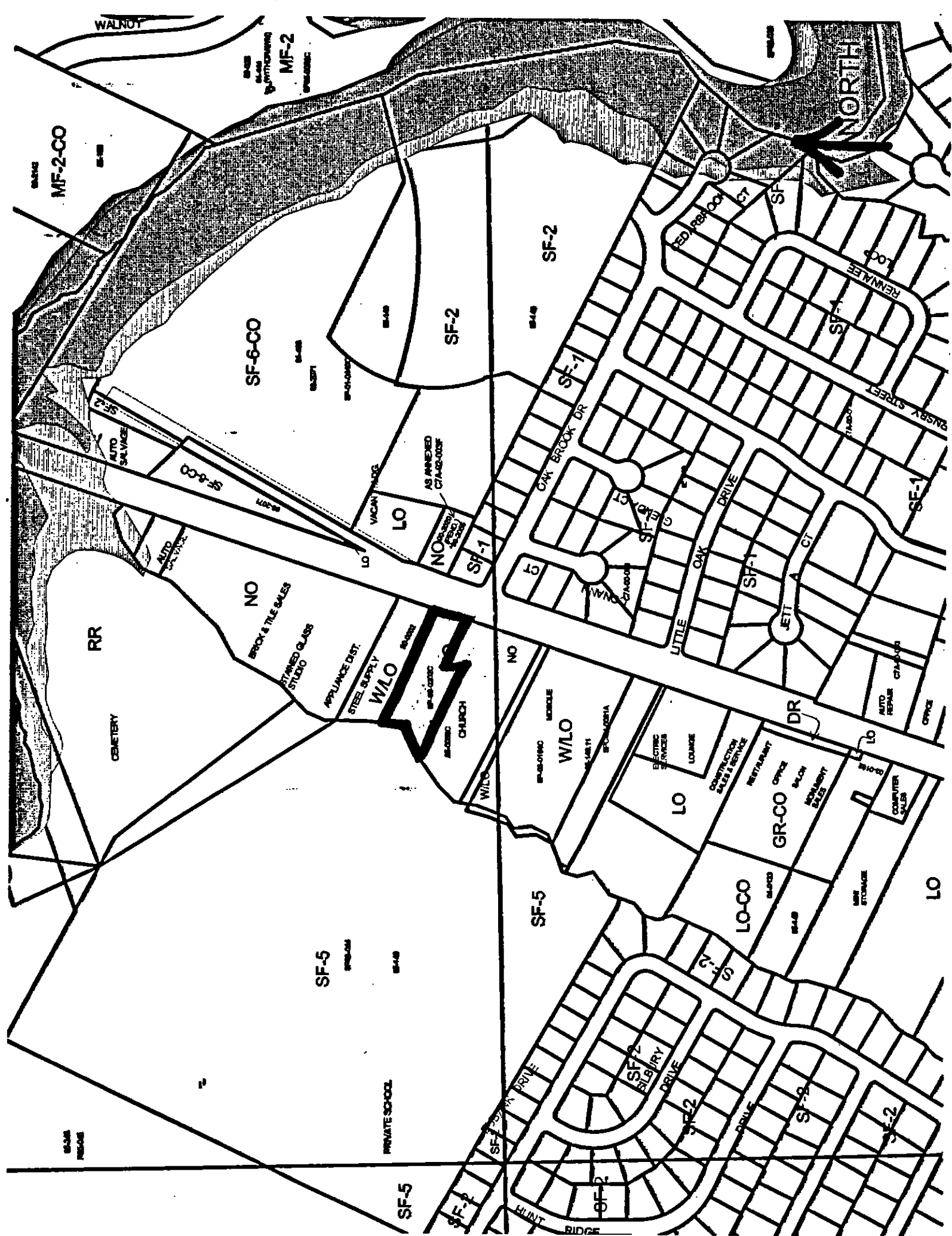
sherri.sirwaitis@ci.austin.tx.us

[illegible]

SUBJECT AREA (acres): 1.285

INTLS: 5M

M33





STAFF RECOMMENDATION

The staff recommendation is to grant the request for GO-CO, General Office-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

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

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

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

The proposed rezoning will create a transition in the intensity of uses from the W/LO, Warehouse/Limited Office District, zoning to the north to the NO, Neighborhood Office District, zoning to the south. GO-CO zoning promotes consistency and orderly planning because the property in question fronts North Lamar Boulevard, a major arterial roadway, and it is located adjacent to existing office zoning to the north, south, and east.

The proposed GO zoning complies with office recommendation for this tract on the future land use map in the North Lamar Area Study.

EXISTING CONDITIONS

Site Characteristics

The site contains an asphalt driveway that provides access to what appears to be a vacant single family home and storage shed. There are overhead electric transmission lines that transverse the site from the southwest to the northeast property lines.

Impervious Cover

The maximum impervious cover allowed by the GO zoning district would be 80 %. However, because the Watershed impervious cover is more restrictive than the GR zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

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

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

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the 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 (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 2,074 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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
N. Lamar Blvd.	115'	Varies	Arterial	No	No	No

Right of Way

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

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

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.

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 and 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line.
- 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.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-5 property.

MAP 4
SCENARIO 2:
RECOMMENDED
LAND USE



- 7. Zoning:** C14-05-0094 - Car Wash
Location: Rutherford Lane, Walnut Creek Watershed
Owner/Applicant: Sokna Loeung
Agent: Austin American Property (Kim Xong Tran)
Postponements: Postponed from 07/19/05 (staff); Postponed to 08/16/05 (neighborhood)
Request: SF-3 to GR-CO
Staff Rec.: RECOMMENDED WITH CONDITIONS
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

DENIED STAFF'S RECOMMENDATION FOR GR-CO ZONING.
[J.M; C.H 2ND] (8-0) K.J - ABSENT

- 8. Rezoning:** C14-05-0100 - Lake Creek Park
Location: 10101 Lake Creek Parkway, Lake Creek Watershed
Owner/Applicant: Ardennes, L.P. by GCA Ardennes GP, LLC (David E. Castilla)
Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley)
Postponements: Postponed to 8/16/05 (neighborhood)
Request: LO, SF-2, LO-CO, I-RR to LO, SF-6, SF-4A
Staff Rec.: RECOMMENDED WITH CONDITIONS
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR LO-CO, SF-6 & SF-4A ZONING; BY CONSENT.
[J.G; M.H 2ND] (8-0) K.J - ABSENT

- 9. Rezoning:** C14-05-0104 - Smith 1.2
Location: 11912-B North Lamar Boulevard, Walnut Creek Watershed
Owner/Applicant: Clay Chip Smith
Agent: Bennett Consulting (Jim Bennett)
Request: NO to GO
Staff Rec.: RECOMMENDED
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF RECOMMENDATION OF GO-CO ZONING WITH ADDED CONDITIONS OF:

- 10' LANDSCAPE BUFFER;
- DETENTION ADDRESSED AT TIME OF SITE PLAN

*** RESTRICTIVE COVENANT TO PROHIBIT MODELING SERVICES AND TO BE FILED PRIOR TO 3RD READING AT CITY COUNCIL.**

[C.H; J.M 2ND] (8-0) K.J - ABSENT

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 11912-B NORTH LAMAR BOULEVARD FROM NEIGHBORHOOD OFFICE (NO) DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from neighborhood office (NO) district to general office-conditional overlay (GO-CO) combining district on the property described in Zoning Case No. C14-05-0104, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.285 acre tract of land, more or less, out of the Frank Stark Subdivision in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 11912-B North Lamar Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

A 10-foot wide vegetative buffer shall be provided along the east property line adjacent to North Lamar Boulevard. Improvements permitted and maintained within the buffer zone are limited to drainage, underground utility improvements, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

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

1 **PART 3.** This ordinance takes effect on _____, 2005.

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4 **PASSED AND APPROVED**

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8 _____, 2005

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§
§

Will Wynn
Mayor

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12 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

EXHIBIT A

METES AND BOUNDS DESCRIPTION

DESCRIPTION OF A 1.285 ACRE TRACT OF LAND, BEING A PORTION OF LOT 2, FRANK STARK SUBDIVISION, RECORDED IN BOOK 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING THAT CERTAIN TRACT OF LAND CALLED 1.07 ACRES, CONVEYED TO GUADALUPE OCHOA, JR. IN VOLUME 10624, PAGE 175 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND OF WHICH A ONE-HALF INTEREST WAS CONVEYED TO LUCY OCHOA BY DEED RECORDED IN VOLUME 10624, PAGE 171 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND THAT CERTAIN TRACT OF LAND CONVEYED TO GUADALUPE OCHOA, JR. AND LUCY OCHOA BY DEED RECORDED IN VOLUME 10624, PAGE 178 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS SAID TRACT HAVING BEEN SURVEYED ON THE GROUND BY SNS ENGINEERING AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 1/2" iron pipe found on the westerly right-of-way line of North Lamar Boulevard, at the northeast corner of a 0.419 acre tract of land conveyed to Travis County, Trustee by deed recorded in Document No. 2002153452 of the Official Public Records of Travis County, Texas, for the most easterly southeast corner of said 1.07 acre tract and the tract herein described;

THENCE, departing the westerly right-of-way line of North Lamar Boulevard and along the common line of said 1.07 acre tract and said 0.419 acre tract, N 61°20'32"W, a distance of 200.13 FEET to a 1/2" iron rod found at the northwest corner of said 0.419 acre tract, at the northeast corner of said Ochoa tract recorded in Volume 10624, Page 178, for an interior corner of the tract herein described,

THENCE, departing the southerly line of said 1.07 acre tract and along the common line of the latter Ochoa tract and said 0.419 acre tract, S 20°49'46"W, a distance of 91.00 FEET to a 1/2" iron rod found on the most easterly north line of a 55.43 acre tract of land conveyed to The Brentwood Church of Christ by deed recorded in Volume 3694, Page 511 of the Deed Records of Travis County, Texas, at the southwest corner of said 0.419 acre tract, the southeast corner of the latter Ochoa tract, for the most southerly southeast corner of the tract herein described,

THENCE, along the common line of the latter Ochoa tract and said 1.07 acre tract, respectively and said 55.43 acre tract, N 61°21'10"W, a distance of 274.28 FEET to a spindle set in an asphalt drive, at an interior corner of said 55.43 acre tract, for the southwest corner of said 1.07 acre tract and the tract herein described,

THENCE, along the common line of said 55.43 acre tract and said 1.07 acre tract, N 69°21'35"E, a distance of 102.30 FEET to a calculated point and N 07°46'35"E, a distance of 104.98 FEET to a 1/2" iron rod found at the southwest corner of a 0.891 acre tract of land conveyed to Cody Builders Supply Steel Group, LLC by deed recorded in Document No. 2001055656 of the Official Public Records of Travis County, Texas, for the northwest corner of said 1.07 acre tract and the tract herein described,

THENCE, departing the westerly east line of said 55.43 acre tract and along the common line of said 0.891 acre tract and said 1.07 acre tract, S 61°26'41"E, a distance of 31.50 FEET to a 1/2" iron rod found and S 61°26'25"E, a distance of 389.00 FEET to a 1/2" iron pipe found on the westerly right-of-way line of North Lamar Boulevard, at the southeast corner of said 0.891 acre tract, for the northeast corner of said 1.07 acre tract and the tract herein described,

THENCE, along the common line of said North Lamar Boulevard and said 1.07 acre tract, S 20°35'00"W, a distance of 87.02 FEET to the POINT OF BEGINNING and containing 1.285 acres of land, more or less

See SNS Engineering "Plat of Survey" No. 041305, page 2 of 2 attached hereto and made a part hereof

Mary P. Hawkins

Mary P. Hawkins
Registered Professional Land Surveyor No. 4433
State of Texas



