

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 59
AGENDA DATE: Thu 03/23/2006
PAGE: 1 of 1

SUBJECT: C14-05-0152 - Versailles Body Shop - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2008-A South 1st Street (Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. First reading approved on February 2, 2006. Vote: 7-0. Applicant and Agent: Jose Versailles. City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0152 (Versalles Body Shop)

REQUEST: From SF-3-NP to LR-MU-NP

DEPARTMENT COMMENTS:

The requested zoning change is not consistent with the adopted Bouldin Creek Neighborhood Plan. The Bouldin Creek Neighborhood Planning Team met to consider the request for plan amendment and do not support the request.

Although zoned SF-3-NP the site is currently being used as an extension of an existing auto repair use along South First, which is zoned CS-CO-MU-NP. The site accesses the alley between West Live Oak and West Johanna Streets. There is no record of automotive repair ever have been a legal or permitted activity at this address. A state commercial sales tax permit was issued to the business in 1981, despite the fact that the property was zoned for residential use. In 1998, the City of Austin Fire Department responded to a complaint and performed an inspection of the business. They found no fire hazards, but this inspection report was not a permit for operation of the business.

With the exception of the auto repair shop to the east, the surrounding properties are single family residential lots, mostly built out with existing single family homes.

On February 10th, 2006 a fire at the adjacent structure, also owned by the applicant, destroyed the single family home on the site. One resident of the house was killed in the fire.

APPLICANT/AGENT: Jose Luis Versalles

OWNER: Jose Luis Versalles

DATE OF FIRST READING: February 2, 2006 (7-0).

COMMISSION ACTION: October 25, 2005: Planning Commission Recommended to amend the future land use map to mixed-use and recommended LR-MU-NP zoning Vote: 5-3 (Cortez, Sullivan & Galindo – Nay)

CITY COUNCIL ACTION: The public hearing was closed and the first reading of the ordinance for neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote. (2/2/06)

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

**NEIGHBORHOOD PLAN AMENDMENT AND
ZONING CHANGE REVIEW SHEET**

CASES: NPA-05-0013.01 & C14-05-0152

PC Date: October 11, 2005
October 25, 2005

ADDRESS: 2008-A South First Street

OWNER/APPLICANT: Jose Luis Versalles

AGENT: Jose Luis Versalles

FUTURE LAND USE MAP CHANGE FROM: Single Family **TO:** Mixed Use

ZONING FROM: SF-3-NP

TO: LR-MU-NP

AREA: 0.131 acres

STAFF RECOMMENDATION:

Staff recommends denial of both the request to amend the neighborhood plan and the request to rezone.

PLANNING COMMISSION RECOMMENDATION:

October 11, 2005: Postponed to 10/25 at the request of staff.

October 25, 2005: Recommended to amend the future land use map to mixed-use and recommended LR-MU-NP zoning Vote: 5-3 (Cortez, Sullivan & Galindo – Nay)

DEPARTMENT COMMENTS:

The requested zoning change is not consistent with the adopted Bouldin Creek Neighborhood Plan. The Bouldin Creek Neighborhood Planning Team met to consider the request for plan amendment and do not support the request.

There is a reasonably clear line of demarcation between the commercial uses along South First and the residential interior of the neighborhood. Rezoning this property to LR would represent an intrusion of commercial zoning and land use into the residential core.

Although zoned SF-3-NP the site is currently being used as an extension of an existing auto repair use along South First, which is zoned CS-CO-MU-NP. The site accesses the alley between West Live Oak and West Johanna Streets. There is no record of automotive repair ever have been a legal or permitted activity at this address. A state commercial sales tax permit was issued to the business in 1981, despite the fact that the property was zoned for residential use. In 1998, the City of Austin Fire Department responded to a complaint and performed an inspection of the business. They found no fire hazards, but this inspection report was not a permit for operation of the business.

On February 10th, 2006 a fire at the adjacent structure, also owned by the applicant, destroyed the single family home on the site. One resident of the house was killed in the fire.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Auto Repair
<i>North</i>	SF-3-NP	Single Family Homes
<i>South</i>	SF-3-NP	Single Family Homes
<i>East</i>	CS-MU-CO-NP	Auto Repair
<i>West</i>	SF-3-NP	Single Family Homes

AREA STUDY: The property lies within the Bouldin Creek Neighborhood Planning Area, adopted in May 23, 2002.

TIA: N/A

WATERSHED: East Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Bouldin Creek Neighborhood Assn.
- Terrell Lane Interceptor Assn.
- Barton Springs/ Edwards Aquifer Conservation Dist.
- South Central Coalition
- Austin Neighborhoods Council
- Bouldin Creek Neighborhood Planning Team Liaison - COA
- Austin Independent School District
- Bouldin Forward Thinking

SCHOOLS: (AISD)

Becker Elementary School

Fulmore Middle School

Travis High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification
South First Street	60'	44'	Major Arterial

- Capital Metro bus service is available along S. First Street via Route #10.
- There are existing sidewalks along S. First Street.

- South First Street is not classified in the Bicycle Plan.

CITY COUNCIL DATE:

2/2/06

ACTION:

The public hearing was closed and the first reading of the ordinance for neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote. (2/2/06)

3/23/06

ORDINANCE READINGS:

1st 2/2/06 2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil

e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330



	<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: R. HEIL</p>	<p align="center">ZONING</p> <p>CASE #: C14-05-0152</p> <p>ADDRESS: S 1ST ST</p> <p>SUBJECT AREA (acres): 0.131</p> <p align="right">DATE: 05-09</p> <p align="right">INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p align="center">H20</p>
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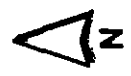
MULTI-PURPOSE CENTER



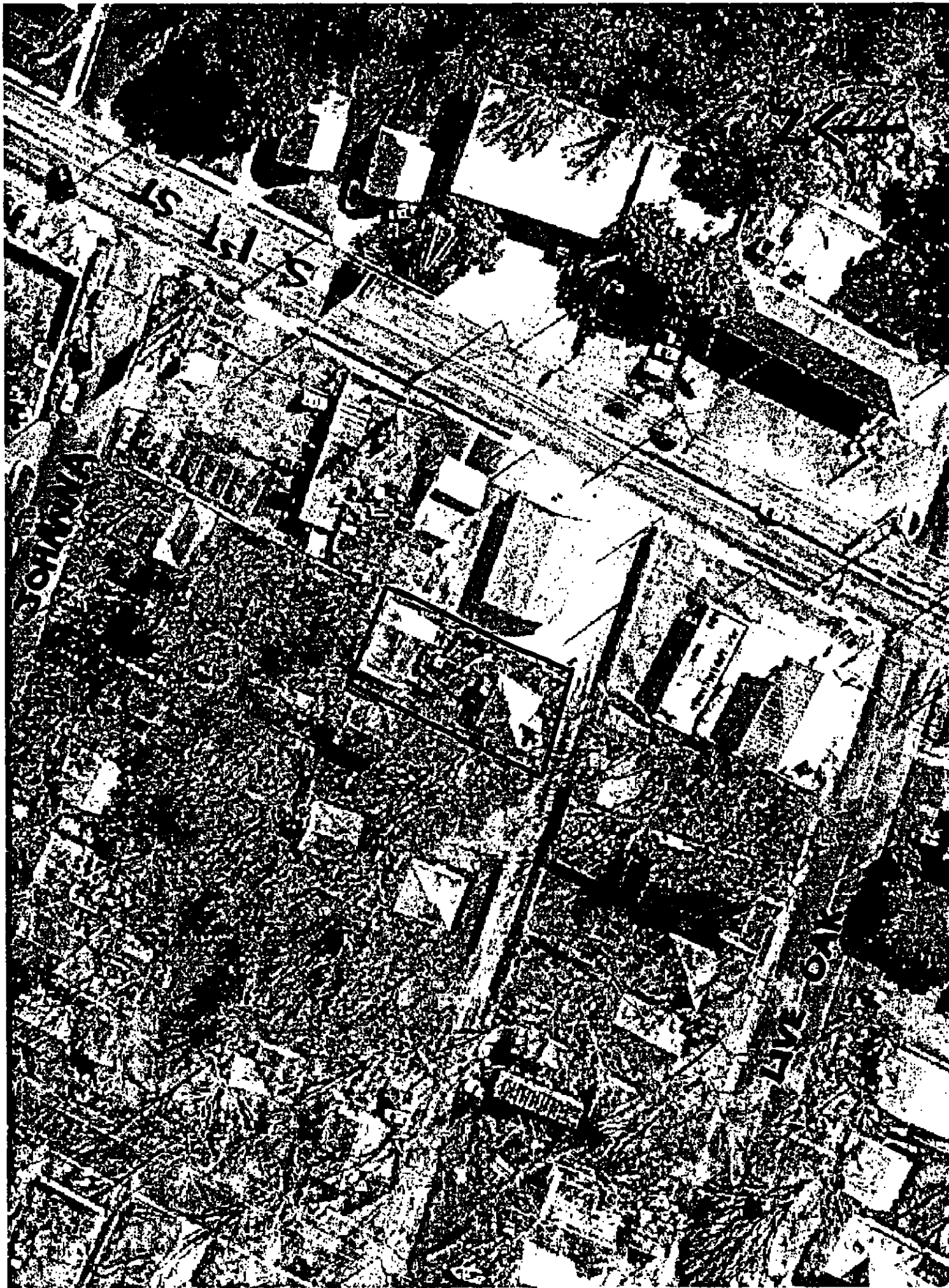
C14-05-0152

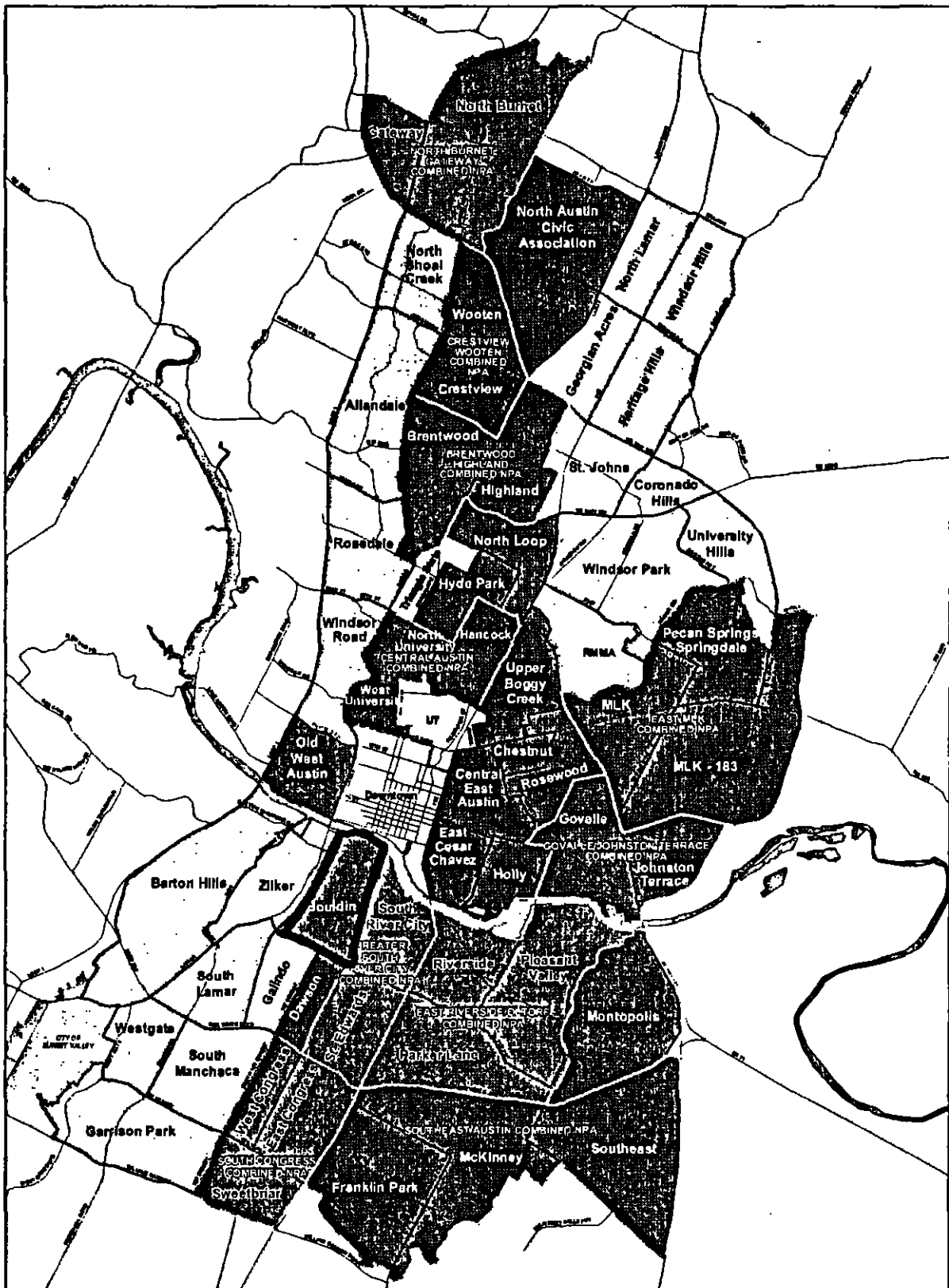
Legend

- Zoning
- Base
- Center Line



C14-05-0152





City of Austin Neighborhood Planning Areas

Combined Neighborhood Planning Areas

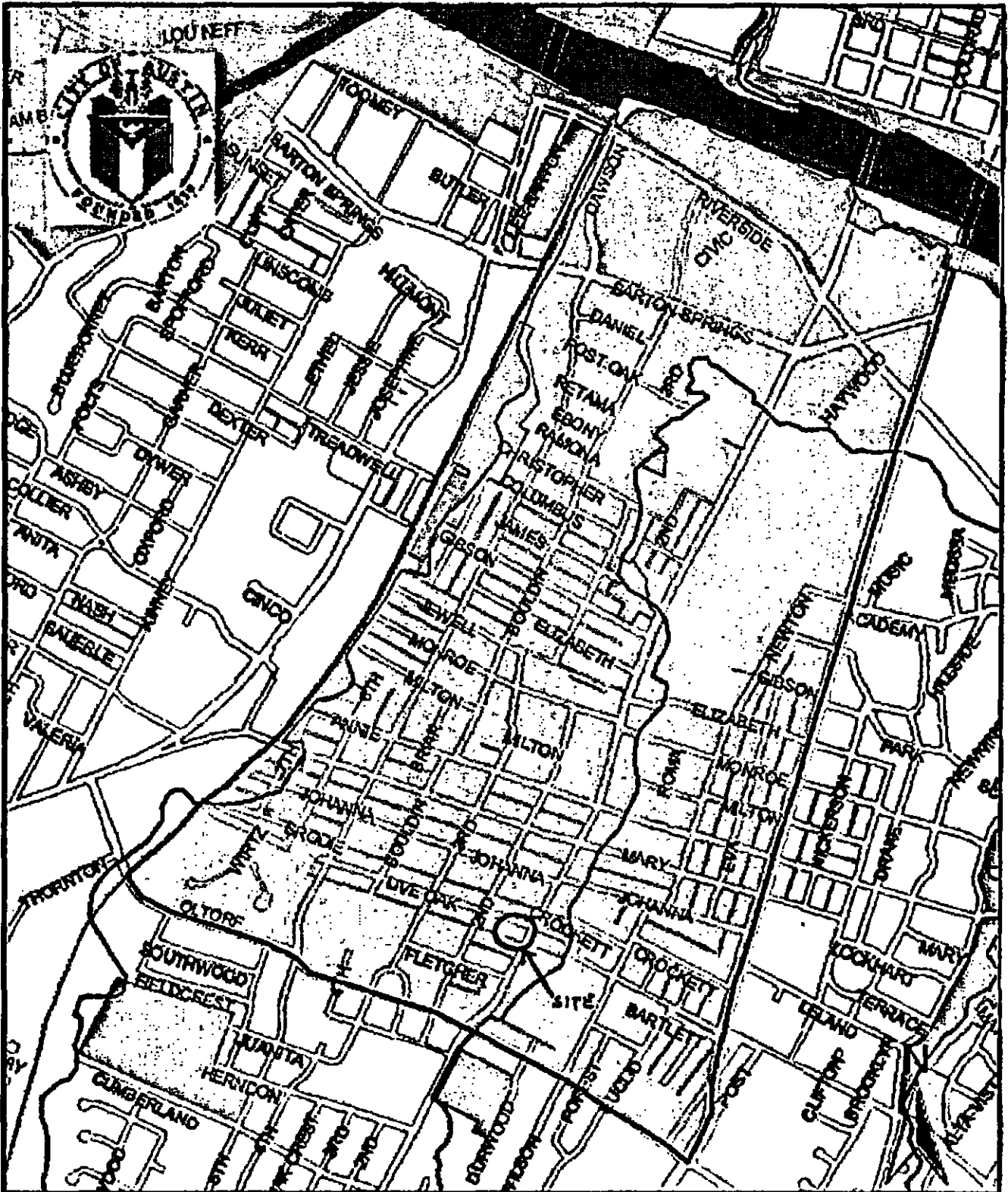
Neighborhood Plan Status

- Adopted Neighborhood Plan & Zoning
- Neighborhood Plan Underway
- Future Neighborhood Planning Area
- Non-Neighborhood Planning Area

Produced by City of Austin
Neighborhood Planning & Zoning Department
August 18, 2008

0 100 2,000 5,000 10,000 Feet

This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.

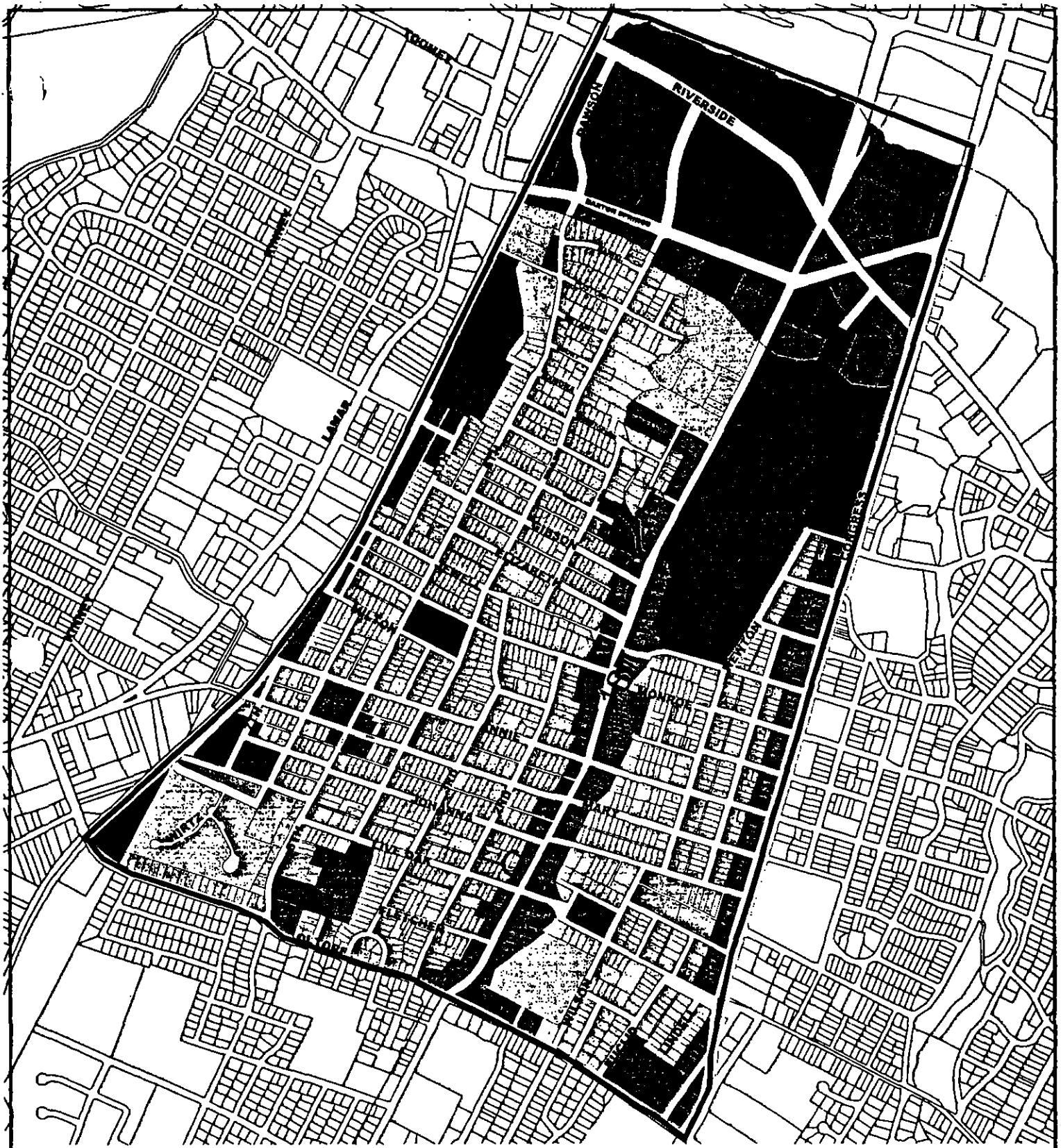


Bouldin Neighborhood Planning Area

 **Parks**

0.3 0 0.3 0.6 Miles





Bouldin Creek Neighborhood Planning Area Future Land Use Map

Neighborhood Planning and
Zoning Department
March 2002

A comprehensive plan shall not
constitute zoning regulations or
establish district boundaries.

- | | | | |
|--|---------------------------------|--|------------|
| | Single-Family | | Mixed Use |
| | Higher-Density
Single-Family | | Civic |
| | Multifamily | | Open Space |
| | Commercial | | |



SUMMARY STAFF RECOMMENDATION**C14-05-0153**

Staff recommends denial of both the request to amend the neighborhood plan and the request to rezone.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should be consistent with an adopted neighborhood plan..*

The requested zoning change is not consistent with the adopted Bouldin Creek Neighborhood Plan. The Bouldin Creek Neighborhood Planning Team met to consider the request for plan amendment and do not support the request.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

There is a reasonably clear line of demarcation between the commercial uses along South First and the residential interior of the neighborhood. Rezoning this property to LR would represent an intrusion of commercial zoning and land use into the residential core.

EXISTING CONDITIONS

Although zoned SF-3-NP the site is currently being used as an extension of an existing auto repair use along South First, which is zoned CS-CO-MU-NP. The site accesses the alley between West Live Oak and West Johanna Streets.

With the exception of the auto repair shop to the east, the surrounding properties are single family residential lots, mostly built out with existing single family homes.

Transportation

The trip generation under the requested zoning is estimated to be 1,055 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 not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification
South First Street	60'	44'	Major Arterial

Capital Metro bus service is available along S. First Street via Route #10.

There are existing sidewalks along S. First Street.

South First Street is not classified in the Bicycle Plan.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East 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.

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.

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.

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 adjustments are required, the landowner, at own expense, will be responsible for 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 design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Site Plan

The site is subject to compatibility standards (along north, west and south). Along the north 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.**
- **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.

APPRAISAL REVIEW BOARD

20030916-9586

TRAVIS CENTRAL APPRAISAL DISTRICT

8314 Cross Park Drive P.O.Box 149012 Austin, Texas 78714-9012 (512) 834-9317 TDD (512) 836-9328

OWNER: VERSALLES JOSE LUIS
ACCT : 014701 00 2003

LOCATION: 2008A 1 ST S

VERSALLES BODY SHOP
PO BOX 3055
AUSTIN TX 78764-3055

LEGAL DESCRIPTION
PERSONAL PROPERTY COMMERCIAL
VERSALLES BODY SHOP

Dear Taxpayer:

Your late protest of the account/parcel referenced above may qualify under Sec. 25.25(d) of the Texas Property Tax Code as a motion to correct an error that resulted in an incorrect appraisal. The requirements necessary to qualify for a substantial error remedy under that section are as follows:

1. The error may not be corrected unless it resulted in an appraised value that exceeds by more than 1/3 the correct appraisal value.
2. The property owner must pay a late-correction penalty if the ARB orders a change. The amount of penalty is 10% of the taxes due on the corrected value and must be paid to each taxing unit affected by the change.
3. The appraisal roll may not be changed under Section 25.25(d) if the property was the subject of a protest or if the appraised value of the property was established as a result of a written agreement between the property owner or his agent and the appraisal district.
4. The property owner must comply with the payment requirements of Section 42.08 of the Code. The property owner must pay the amount of taxes due on the portion of taxable value not in dispute. Payment must be made before the delinquency date (postmarked or in person) to the Travis County Tax office and/or other collection entity. Failure to comply with this prepayment condition will result in the forfeiture of your right to a final determination of the motion.

A formal hearing on your motion will be scheduled for the next available hearing date.

Sincerely,



Ed Keller
Chairman
Appraisal Review Board



Austin Fire Department Inspection Report

Your Safety is OUR Business



For Prevention use only

- ☒ COMPLAINT
- ☐ C of O
- ☐ HAZMAT
- ☐ MAINTENANCE
- ☐ SYSTEM
- ☐ FIRE-LANE
- ☐ DAY-CARE
- ☐ INSTITUTION
- ☐ ALCOHOL

INSPECTION EVENTS				INSPECTOR IDENTIFICATION		
EVENT	DATE	TIME IN	TIME OUT	TEXFIR	INSPECTOR	UNIT
INSPECTION	4/21/88	9:50		526	Gibbs	Prev.
RE-INSPECTION						

ADDRESS#	DIRECTION	STREET NAME	STREET TYPE	ZIP CODE	BLDG. STAT.
2008	S	1st	St.		S M V

BUILDING/COMPLEX NAME	OWNER NAME	OWNER PHONE	YEAR CONSTR.
N/A			1988

BOX	COMPLEX	FLOORS	BASEMENT LEVELS	FIRE LANE	KNOX BOX	STANDPIPE	SPRINKLER SYSTEM	BUILDING PERMIT NO.
		1	0	Y (N)	Y (N)	Y (N)	Y (N)	N/A

SUITE/UNIT	OCCUPANT(BUSINESS) NAME	OCCUPANT PHONE	LOAD CARD
A	International Versailles Auto Repair	326-3342	Y (N)

MANAGER NAME	MANAGER PHONE	SQUARE FEET	HIGH-PILED COMBUSTIBLES
Jose Versailles	326-3342		Y (N)

HAZMAT REQUIRED?	HAZMAT PERMIT #	ALARM COMPANY	FIXED PROP. USE
Y (N)	N/A	None	

J/R SITED	Hazard Code	HAZARD DESCRIPTION AND LOCATION	J/R CORRECTED
		Does frame work mostly. Only paint small parts every now & then. I find no evidence of painting. There is a hole show on south that next to	

TEXAS SALES AND USE TAX PERMIT

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

TRADE NAME AND LOCATION ADDRESS

VERSALLES BODY SHOP
2008 S. First
Austin, TX 78704

From SF 3 - NP

City of Austin



TO: GR - MU - NP
A LR - MU - NP
ERIC KAUFMAN, C.H.M.M.
ENVIRONMENTAL QUALITY SPECIALIST II

TYPE OF PERMIT
Sales
TAXPAYER NUMBER
2 457 41 4193 3
OUTLET NUMBER
00001
EFFECTIVE DATE
07-09-81

Bob Bullock

BOB BULLOCK
COMPTROLLER OF PUBLIC ACCOUNTS

OWNERSHIP, LOCATION OR
RETURN THIS PERMIT TO
OF THE LAST TAXABLE BUSINESS TRANSACTION.

Watershed Protection Department
Environmental Resources Management Division
206 E. 3rd Street Suite 10.100
Austin, TX 78701

City of Austin
P.O. Box 1088-DU
Austin, TX 78767
512/499-3512
Fax: 512/499-2840

HARY - OWNER/OCCUPANT P.M. FIRE PREVENTION DIVISION GOLDENROD - COMPANY UNIT

15 July 2005

Mr. Jose Luis Versalles
Versalles Auto Body Repair
2008-A South First Street
Austin, Texas 789704

Mr. Versalles,

Thank you for presenting to the Bouldin Creek Neighborhood Association's (BCNA's) Zoning Committee your reasons for requesting a zoning change to your property from the present SF-3 (Single Family Residential) zoning.

The Bouldin Creek Neighborhood Plan specifically proscribes against any future use of commercial properties for automotive related services. Furthermore, it recommends against the creep of commercial property uses from principal neighborhood commercial corridors into the residential interior, as your property's location behind South First Street commercial properties would do.

However, considering that the property has been used for a commercial service for many years, and that the city issued a sales permit for your operation at this location in direct contradiction to its own zoning code,

And as there are existing nearby small, commercially zoned properties in the block behind the South First Street commercial corridor within the residential interior, and since re-zoning to a neighborhood commercial use would in effect comprise a "down-zoning" from the long-time use as an auto body repair shop, and because the property is accessible only through an alley rather than from street frontage, limiting the property's appeal for use as a single family residence, therefore:

BCNA's Zoning Committee recommended, and BCNA's Steering Committee voted its approval to strenuously oppose any rezoning to CS or any other general commercial or service zoning, but to not oppose a request to re-zone the property to LR (Neighborhood Commercial) or LO (Limited Office).

Let me know if you have any questions regarding the association's position with regard to your property and your inquiry about possible re-zoning.

Sincerely,

Cory Walton, President
Bouldin Creek Neighborhood Association

cc: Mr. Ruben Rendon

[D. SULLIVAN – 1ST, J. M. CORTEZ – 2ND]

Vote: 7-1, J. REDDY – NAY. M. MOORE – ABSENT.

4. Neighborhood Plan NPA-05-0013.01 - Versailles Body Shop

Amendment:

Location: 2008-A South First Street, East Bouldin Creek Watershed, Bouldin NPA

Owner/Applicant: Jose Versailles

Agent: Jose Versailles

Request: From Single Family to Mixed Use

Staff Rec.: **NOT RECOMMENDED**

Staff: Mark Walters, 974-7695, Mark.Walters@ci.austin.tx.us
Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning

Items 4 and 12 were taken up together and Mr. Robert Heil gave the Staff presentation. It was clarified that the only access to the property was through the alley. The Neighborhood Association is in agreement with LR or LO zoning. The Staff is still in opposition to the requested rezoning, citing conformance with the adopted Neighborhood Plan and proximity of single family residences.

FAVOR

Mr. Jose Versailles, the Applicant, described his automotive business that has been operating for 20 years, permit issues and asked for support of commercial zoning.

Mr. Ruben Rendon, is assisting Mr. Versailles in selling the property.

OPPOSITION

Mr. Glen Peage, owns the adjacent property on Live Oak, and described the surrounding land uses. He said the access to the property consists of a dirt alley, and that cars often block his access to the alley. Clarifications on LR and LO zoning were given by Staff.

REBUTTAL

Mr. Versailles said that he would like to fix the problems cited by the Neighbor.

DISCUSSION

Commissioner Galindo expressed concern about the limited access to the property through an alley. Commissioner Sullivan spoke about resale for residential uses, and noted their proximity. The property owner's real estate agent said that the property was more lucrative for commercial uses. Commissioner Riley mentioned that he would be supporting the motion because Austin is known for its eclectic businesses like this one that have been in operation for many years.

Facilitator: Wendy Walsh

City Attorney: Sharon Smith, 974-7773; or Marty Terry, 974-2974.

[D. SULLIVAN – 1ST, J. M. CORTEZ – 2ND]

Vote: 7-1, J. REDDY – NAY. M. MOORE – ABSENT.

- 4. Neighborhood Plan** **NPA-05-0013.01 - Versailles Body Shop**
Amendment:
Location: 2008-A South First Street, East Bouldin Creek Watershed, Bouldin NPA
Owner/Applicant: Jose Versailles
Agent: Jose Versailles
Request: From Single Family to Mixed Use
Staff Rec.: **NOT RECOMMENDED**
Staff: Mark Walters, 974-7695, Mark.Walters@ci.austin.tx.us
 Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
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Facilitator: Wendy Walsh

City Attorney: Sharon Smith, 974-7773; or Marty Terry, 974-2974.

RECOMMENDED LR-MU-NP DISTRICT ZONING.**[J. REDDY - 1ST; K. JACKSON - 2ND]****Vote: 5-3, J. M. CORTEZ, C. GALINDO, D. SULLIVAN - NAY.****5. Neighborhood Plan NPA-05-0016.01 7th & Gunter****Amendment:****Location:** 704 Gunter Street, Boggy Creek Watershed, Govalle/ Johnston Terrace NPA**Owner/Applicant:** Saldana Homes (Rose Marie Rocha)**Agent:** Saldana Homes (Rose Marie Rocha)**Request:** Commercial to Mixed Use**Staff Rec.:** **RECOMMENDED****Staff:** Scott Whiteman, 974-2865, Scott.Whiteman@ci.austin.tx.us

Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us

Neighborhood Planning and Zoning

Ms. Nikelle Meade, Agent for the adjacent property owner, requested a two week postponement, to November 8, 2005.

Mr. Rocha, the property owner, is opposed to the adjacent property owner's second request for postponement, and desired to have the case heard tonight.

Mr. Llanos, a representative from Govalle Neighborhood Planning Team, spoke about the neighborhood plan amendment and rezoning process that has occurred since the applications were received by the City.

Commissioner Reddy asked Staff about the application of compatibility.

Commissioner Dealey asked Staff about the type of residential development that is proposed.

Commissioner Galindo made a motion for a two-week postponement (November 8, 2005) for Items 5 and 13; Commissioner Dealey seconded the motion

Vote: 7-0. J. M. CORTEZ - ARRIVED LATE; M. MOORE - ABSENT.

Note: Items to be placed early on the agenda.

Austin City Council

MINUTES

REGULAR MEETING

THURSDAY, FEBRUARY 2, 2006

ZONING DISCUSSION ITEMS

Z-6 NPA-05-0013.01 - 2008-A South First Street - Conduct a public hearing and approve an ordinance amending Ordinance 020523-32 (Bouldin Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan, to change the future land use map from single family use designation to mixed use designation for the property located at 2008-A South First Street (East Bouldin Creek Watershed). Planning Commission Recommendation: To grant mixed use designation. Applicant and Agent: Jose Luis Versalles. City Staff: Mark Walters, 974-7695. (Related Item Z-5)

The public hearing was closed and the first reading of the ordinance for mixed use designation was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote.

Z-5 C14-05-0152 -Versalles Body Shop - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2008-A South First Street (East Bouldin Creek Watershed) from family residence -neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Applicant and Agent: Jose Luis Versalles City Staff: Robert Heil, 974-2330. (Related Item Z-6)

The public hearing was closed and the first reading of the ordinance for neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote.

Closed Caption Log, Council Meeting, 02/02/06

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THANK YOU, MAYOR AND COUNCIL, THAT BRINGS US TO OUR DISCUSSION ITEMS, FIRST DISCUSSION ITEM, I'LL TAKE YOU TO IS ITEM Z-6, RELATED ITEM TO Z 5, WHAT I WOULD LIKE TO DO IS PRESENT BOTH OF THESE ITEMS AT THE SAME TIME BECAUSE IT IS FIRST THE NEIGHBORHOOD PLAN AMENDMENT IN THIS CASE NPA-05-0013.01 FOR PROPERTY LOCATED AT 2008 A SOUTH FIRST STREET, THIS IS TO CONDUCT A PUBLIC HEARING TO AMEND THE BOULDIN NEIGHBORHOOD PLAN, AN ALMOST OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO CHANGE THE LAND USE MAP FROM A SINGLE FAMILY DESIGNATION TO MIXED USE DESIGNATION, THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE MIXED USE DESIGNATION, THE RELATED ZONING CASE IS ITEM Z-5, THIS IS ZONING CASE C14-05- 015 FOR THE SAME PROPERTY LOCATED AT 2008 A SOUTH FIRST STREET, FROM FAMILY RESIDENCE ZONING OR SF 3 MP ZONING TO GR-MU-MP WHICH STANDS FOR COMMUNITY COMMERCIAL MIXED USE COMBINING DISTRICT PLANNING. THE PLANNING COMMISSION THE REZONER IN REQUEST NEIGHBORHOOD COMMERCIAL OR LR-MU-MP ZONING. THE PROPERTY IS CURRENTLY OCCUPIED BY A RESIDENCE AND THE -- FOR SALLY'S BODY SHOP AND THE PROPERTY OWNER HAS FILED REZONING REQUEST IN THE NEIGHBORHOOD PLAN AMENDMENT TO FACILITATE THE SALE OF THE PROPERTY, THIS PROPERTY HAS BEEN USED FOR AN AUTO BODY SHOP FOR QUITE AWHILE, ALTHOUGH THERE MAY NOT BE CITY PERMITS FOR ITS OCCUPANCY, IT HAS RECEIVED CITY APPROVALS FOR FIRE SIGN OFF IN THE PAST, THERE IS A REFERENCE LETTER FROM THE BOULDIN NEIGHBORHOOD, BOULDIN CREEK NEIGHBORHOOD ASSOCIATION THAT IS IN YOUR BACKUP, THAT SPEAKS TO A CITY SALES TAX PERMIT OR SALES PERMIT, I BELIEVE THAT IS MORE FOR SALES TAX PERMIT, AND NOT A CITY PERMIT FOR BUILDING. THE ZONING AND PLATTING COMMISSION AS I MENTIONED BEFORE DID RECOMMEND BOTH THE NEIGHBORHOOD PLAN AMENDMENT AND THE ZONING CHANGE. THE STAFF DID NOT RECOMMEND THE NEIGHBORHOOD PLAN AMENDMENT NOR THE ZONING CHANGE. THIS TIME I WOULD LIKE TO SHOW YOU SOME EXHIBITS. THE FIRST EXHIBIT IS ON THE SCREEN, AND IT SHOWS THE PROPERTY LOCATION. CURRENTLY THE PROPERTIES THAT ARE SURROUNDING IT TO THE NORTH, THE WEST, AND THE SOUTH ARE SF 3 OR FAMILY RESIDENCE DISTRICT ZONING. THE PROPERTIES ALONG SOUTH FIRST STREET ARE TATOO PARLOR, ANOTHER RETAIL BUSINESS AND A CAR WASH. THOSE ARE PROPERTIES THAT ARE IMMEDIATELY TO THE EAST. AT THIS TIME I WOULD LIKE TO SHOW YOU SOME EXHIBITS OF THE PROPERTY TO KIND OF GIVE YOU AN IDEA OF WHAT THE AREA LOOKS LIKE. THE PROPERTY RIGHT NOW ONLY HAS

ACCESS TO A SMALL ALLEY THAT RUNS IN FRONT OF THIS PROPERTY. THE PROPERTY HAS THIS ALLEY THAT RUNS ALONG EAST AND WEST, AND THERE ARE EXISTING SINGLE FAMILY HOMES THAT TAKE ACCESS DIRECTLY TO THE ALLEY AND THIS PROPERTY WITH THE AUTO REPAIR BUSINESS IN THE BACK AND THE HOME IN THE FRONT ONLY CAN TAKE ACCESS TO THIS SMALL ALLEY. THIS IS A LITTLE LARGER SHOT OF THE PROPERTY, AGAIN, HERE IS THE SUBJECT PROPERTY WITH THE AUTO BODY SHOP, EXISTING HOMES, THERE ARE OTHER LITTLE HOMES AND RESIDENCES THAT SURROUND THIS PROPERTY. THE MAJORITY OF THE COMMERCIAL PROPERTY'S BOUNDARIES IS ALONG THIS EDGE. THIS IS A COPY OF THE CURRENT NEIGHBORHOOD PLAN AND THIS IS SOUTH FIRST STREET THAT RUNS NORTH AND SOUTH. AND YOU CAN SEE INSIDE THE CIRCLE RIGHT AT THAT POINT WHERE IT'S YELLOW IS WHERE THE PROPERTY IS LOCATED WITHIN THAT CIRCLE AS A SINGLE FAMILY DESIGNATION AND A MIXED USE AS A BROWN AREA THAT RUNS NORTH AND SOUTH ALONG THAT AREA. I'LL FINISH UP WITH SOME PHOTOGRAPHS. THIS IS A PROPERTY LOOKING ON THE ALLEY, LOOKING WEST, OBVIOUSLY EXISTING RETAIL BUSINESS UP IN FRONT, THE CAR WASH IS BEHIND HERE ALONG WHERE THE FENCE IS. THE BODY SHOP IS RIGHT HERE AND THEN AS YOU GO DOWN THE ALLEY, MORE RESIDENCES. THIS IS A LITTLE BIT MORE CHOSER VIEW OF THAT AREA. AGAIN, THIS IS WHERE THE BUSINESS IS LOCATED, RESIDENCES AND YOU CAN SEE THE ALLEY IN FRONT OF IT. THIS IS ANOTHER VIEW WALKING FURTHER DOWN THE ALLEY THEN TURNING AROUND AND LOOKING EAST, SOUTH FIRST STREET IS OFF IN THE BACKGROUND, AGAIN THE PROPERTY IS RIGHT HERE, AND THESE ARE THE RESIDENTIAL LOTS THAT BACK UP INTO THE ALLEY. AND THEN FINALLY WALKING DOWN JUST A LITTLE BIT FURTHER DOWN THIS STREET, AGAIN, YOU HAVE THE BODY SHOP OFF ON THE LEFT, YOU CAN SEE FIRST STREET, AND THIS IS STANDING IN FRONT OF THE NEXT DOOR SINGLE FAMILY HOMES. THAT CONCLUDES MY PRESENTATION, I'LL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE OF THE -- I BELIEVE THE APPLICANT IS HERE AS WELL AND THEY CAN COME UP AND MAKE THEIR PRESENTATION.

Mayor Wynn: COUNCILMEMBER McCracken.

McCracken: MR. GUERNSEY, I MISSED THE -- DO WE HAVE SOME IDEA WHAT THE INTENTIONS ARE FOR THIS PROPERTY?

CURRENTLY IT'S MY UNDERSTANDING THAT THE PROPERTY OWNER HAS A DESIRE TO SELL THE PROPERTY. THERE'S A FOR SALE SIGN THAT IS ACTUALLY ON THE PROPERTY. AND SINCE HE'S BEEN THERE FOR SUCH A LONG TIME, THAT IS WHY HE'S MAKING THE REQUEST, SO HE CAN CONVEY THE PROPERTY EASIER AS A COMMERCIAL PROPERTY RATHER THAN A RESIDENTIAL PROPERTY.

AND SO THERE'S NO NO PROPOSAL TO THAT PROPERTY THAT WOULD BE CONSOLIDATED WITH THE COMMERCIAL FABRIC ON SOUTH FIRST?

NO, AT THIS TIME OWNED BY DIFFERENT PROPERTY OWNERS, THE BUSINESS THAT FRONTS ON SOUTH FIRST AND THIS THAT FRONTS ON THE ALLEY ARE DIFFERENT ENTITIES, DIFFERENT INDIVIDUALS OWNING THOSE PROPERTIES.

McCracken: THEN IF -- WHY DID THE PLANNING COMMISSION -- THE PLANNING COMMISSIONERS GIVE SOME STATED GROUNDS ON WHY THEY RECOMMENDED THE LR-MU?

WELL, I THINK THE DISCUSSION HAD TO DO FOR THE -- THE SUPPORT PROBABLY BECAUSE THE NEIGHBORHOOD SUPPORTED IT BECAUSE HE HAD BEEN THERE A LONG TIME. RIGHT NOW I'M NOT AWARE OF ANY PARTICULAR REASON WHY THEY GRANTED IT OTHER THAN THEY HAD BEEN IN BUSINESS, IT'S BEEN THERE A LONG TIME, THEY HAD THE NEIGHBORHOOD SUPPORT. THE ONLY OTHER COMMENTS WERE MADE BY SOME OF THE OTHER COMMISSIONERS, ALL I -- HAD TO DO WITH MORE OF THE OPPOSITION, THERE WAS MENTION BY THE CHAIR THAT IS -- SOUTH AUSTIN IS KNOWN FOR ITS EKECLECTIC BUSINESSES.

YOU SAID THE APPLICANT IS HERE TO MAKE A PRESENTATION.

YEAH, I BELIEVE THE APPLICANT IS HERE, AT THIS TIME PAUSE AND LET THE APPLICANT'S AGENT COME FORWARD.

MS. BROWN, I SHOW NOBODY SIGNING UP, FOR THE RECORD CAN WE GET PERHAPS THE APPLICANT'S NAME AND...

MAYOR, COUNCILMAN, MY NAME IS RUBEN TRENDON AND I'M A REAL ESTATE BROKER AND I'M HELPING MR. VERSAILLES TO BE ABLE TO SELL THIS PROPERTY. MR. VERSAILLES HAS BEEN AT THIS LOCATION AND I HAVE A COPY OF THE LICENSE THAT HE HAS HAD TO HAVE THE LEGITIMATE BODY SHOP SINCE 19 --

I'M SORRY, RUBEN, EXCUSE ME, LET'S SET THE CLOCK FOR FIVE MINUTES AN EVEN THOUGH WE DON'T HAVE ANY SPEAKERS SIGNED UP, WE'LL CONSIDER THAT TO BE THE FIVE MINUTE APPLICANT PRESENTATION. YOU HAVE FIVE MINUTES TO PRESENT TO US AND THEN MIGHT BE SOME QUESTIONS FOR YOU. EXCUSE ME.

YES. OKAY. SINCE 1981. HE -- HE WANTS TO SELL THE PROPERTY, BUT HE WANTS TO SELL IT AS A COMMERCIAL ENTITY. RIGHT NOW IF HE SELLS IT, THE PERSON THAT BUYS IT, YOU KNOW, WILL NOT BE ABLE TO USE IT FOR COMMERCIAL USE. HE HAS HAD SEVERAL OFFERS, ONE OF THEM IS FOR A MIXED USE. HE WAS OFFERED \$189,000 FOR IT. OKAY? BUT THE -- THE ONLY THING IS FOR THERE TO BE A CHANGE OF ZONING, OKAY, IF THERE'S ANY QUESTIONS IN REGARDS TO THIS, I MEAN IT'S SOMETHING VERY SIMPLE, IT'S A SMALL LIGHT, HE -- HE DOES NOT DO ANY PAINTING. WHAT HE DOES IS JUST FRAMEWORK AND BODY -- BODY WORK, THINGS LIKE THAT,

THE PROPERTY DOES NOT HAVE FRONTAGE ON SOUTH FRONT STREET. IT SITS IN INTERIOR, ITS A LITTLE UNUSUAL SITUATION, BECAUSE THIS PROPERTY ACTUALLY FRONTS ON AN ALLEY AND ON A SUPER WIDE BLOCK WHEN YOU ACTUALLY HAVE THREE ROWS OF HOUSES OR BUSINESSES. AND THIS IS ON THE INTERIOR, THE HOUSE THAT FACE JOHANNA TO THE NORTH BACK UP TO THE BUSINESSES OR THIS PROPERTY IN THE SINGLE FAMILY HOMES AND TWO RESIDENTIAL USES IMMEDIATELY TO THE WEST SO THIS PROPERTY WAS GIVEN A SOUTH FIRST STREET ADDRESS PROBABLY BY OUR ADDRESSING DIVISION BECAUSE IT ONLY HAS AN ALLEY ACCESS AND THE EASIEST WAY TO GET TO IT IS FROM SOUTH FIRST STREET, YOU WOULD TURN OFF SOUTH FIRST AND GO DOWN THIS AL LIMP THAT'S MY UNDERSTANDING WHY. BUT IT'S NOT ON JOHANNA, NOT OFF LIVE OAK, ONLY OFF AN ALLEY THAT HAS ACCESS --

ALSO --

Alvarez: ALSO ON THE ALLEY --

THE NUMBERS JUST INCREASING AS YOU MOVE FURTHER AWAY.

Alvarez: I DIDN'T KNOW IF THE OTHERS WOULD BE B AND C...

WE CAN FIND THAT OUT, COUNCILMEMBER.

THE PROPERTIES IMMEDIATELY TO THE WEST THAT JOIN THIS, THE TWO FAMILY RESIDENTIAL USE WHICH IS THE HOUSE BEHIND THE HOUSE, THOSE PROPERTIES ONLY HAVE ACCESS TO THE SAME ALLEY, AND THIS HAS BEEN USED FOR COMMERCIAL PURPOSES FOR MANY YEARS IS MY UNDERSTANDING.

IT HAS BEEN USED MANY YEARS. THE PROPERTY OWNER HAS THE PROPER SALES TAX PERMITS, HAS ONE INSPECTION FOR FIRE, BUT NEVER GOT A CHANGE OF USE OR BUILDING PERMIT TO FORMALLY OPEN THE BODY SHOP. THAT'S PROBABLY THE MAIN REASON WHY I'M SPECULATE HE'S SEEKING THE ZONING CHANGE AND NEIGHBORHOOD PLAN CHANGE, TECHNICALLY ANOTHER BUSINESS, EVEN THE SAME BUSINESS THE CITY WOULD NOT RECOGNIZE AS BEING A LAWFUL ONE BECAUSE IT WAS NOT -- I DID NOT GO THROUGH THE PROCESS AND WAS OPENED AT A TIME WHEN IT WAS ZONED RESIDENTIAL.

Alvarez: OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? AGAIN, MR. GUERNSEY THE STAFF RECOMMENDATION WAS NOT APPROVE THE CHANGE BUT THE ZONING AND PLANNING COMMISSION DID RECOMMEND THE CHANGE.

YES, THE ZONING AND PLANNING COMMISSION RECOMMENDED THE CHANGE TO THE PLAN AND THE ZONING. THE ZONING REQUEST THAT THE COMMISSION RECOMMENDED WAS NOT THE SAME AS WHAT THE PROPERTY OWNER REQUESTED. THE PROPERTY OWNER REQUESTED GR-MU-MP WHICH IS THE GENERAL COMMERCIAL MIXED USE NEIGHBORHOOD PLANNED COMBINED DISTRICT ZONING. THE NEIGHBORHOOD PLANNING OR THE ZONING THAT WAS RECOMMENDED BY THE PLANNING COMMISSION WAS LR-MU-NP WHICH IS NEIGHBORHOOD COMMERCIAL MIXED USE OR NEIGHBORHOOD PLANNED ZONING. SO THEY ARE DIFFERENT IN WHAT THEY REQUESTED.

Mayor Wynn: BUT BASED ON -- BASED ON THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION OF LR-MU-NT, BUT BASED ON THE FACT THAT WHETHER THIS TECHNICALLY THE CASE OR NOT, BUT ESSENTIALLY THIS IS THE -- WHAT SOMEBODY WOULD REFER TO AS AN ILLEGAL LOT, IT DOESN'T HAVE THE STANDARD -- DOESN'T HAVE ANY REAL, YOU KNOW, FRONT ANNUAL, NOR DO SOME OF THE HOMEOWNERS TO THE WEST OF THAT, WHAT WOULD -- HOW WOULD OUR VOTING CODE, YOU KNOW, LAND DEVELOPMENT CODE, BUILDING CODE AND TRANSPORTATION ANALYSIS AND APPROVAL, WHAT COULD SOMEBODY DO WITH LR ZONING ON A LOT THAT'S -- THAT ONLY FRONTS AN ALLEY.

WELL, IN THIS CASE, THE PROPERTY OWNER IF THEY WERE SUCCESSFUL IN GETTING THE PLAN AMENDMENT AND GETTING THE ZONING CHANGE, THE NEXT STEP WOULD BE TO GET THE BUSINESS INTO COMPLIANCE SEEKING A CERTIFICATE OF OCCUPANCY ON GETTING A BUILDING PERMIT AND THEY WOULD -- THE LOT IS PROBABLY A LEGAL NONCOMPLYING LOT BECAUSE IT'S BEEN IN THIS CONFIGURE FOR SO MANY YEARS, THAT PROBABLY WOULD NOT BE AN ISSUE. THE MORE DIFFICULT PART FOR THE PROPERTY OWNER OR THE EVENTUALLY BUYER MAY BE TO PROVIDE THE REQUIRED PARKING ON THE PROPERTY FOR THE BUSINESS BECAUSE THE SMALL HOUSE THAT'S BEEN CONVERTED INTO THE BODY SHOPTOR THE GARAGE THAT HAS BEEN CONVERTED INTO THE BODY SHOP OCCUPIES ALMOST RIGHT ON THE ALLEY'S EDGE. THEY MAY HAVE TO DO OTHER MODIFICATIONS TO THE STRUCTURE ITSELF, TO MAKE SURE IT'S HANDICAPPED ACCESSIBLE THAT MEETS THE FIRE CODES AS FAR AS EXITING. AS I SAID BEFORE IT DID PASS A FIRE INSPECTION FOR STORAGE OF HAZARDOUS CHEMICALS AND MATERIALS. IT WOULD BE DIFFICULT, THEY MAY HAVE TO MAKE MAJOR MODIFICATIONS FOR THE BUILDING AND THE SITE TO BRING IT INTO COMPLIANCE, THE LOT ITSELF WE WOULD DEEM TO BE A LEGAL NONCOMPLYING LOT BECAUSE PROBABLY OF ITS AGE AND CONFIGURATION, THEY DO HAVE LAWFUL ACCESS TO THE ALLEY, WHICH IS VERY SMALL, ABOUT 20 FEET WIDE.

COUNCILMEMBER ALVAREZ?

Alvarez: AND ALSO APPEARS TO ME THAT THE CURRENT USE WOULDNT BE PERMITTED INDER -- UNDER LR, IS THAT CORRECT.

THAT IS CORRECT BUT WOULD BE ABLE TO BE USED FOR OTHER COMMERCIAL USES.

Alvarez: LR TYPE USES.

FOOD SALES OR A PERSONAL SERVICE SUCH AS A HAIR SALON OR BARBER SHOP OR THAT KIND OF THING.

Alvarez: THAT IS CERTAINLY NOT VERY COMMON TO SEE SOMEONE ASK FOR A ZONING CHANGE THAT MAKES THEIR USE LEGAL, BUT... MAYBE JUST FOR THE OWNER, ONE OTHER QUESTION, JUST OUT OF CURIOSITY, HOW LONG HAVE YOU BEEN OPERATING YOUR BUSINESS THERE AT THAT LOCATION?

THANK YOU FOR THIS OPPORTUNITY, THE PAPERS FOR ME, THIS LEGAL COMMERCIAL LOT IF IT'S SMALL, WELL, I DON'T HAVE THE MONEY FOR [INAUDIBLE] FOR THIS COMMERCIAL LOT AND NOW I TRY I DON'T HAVE [INAUDIBLE] IN THE BODY SHOP. THE CITY OF AUSTIN GIVE ME 1981, MR. ROBLES SIGNED THE PAPER... (ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS...) THAT WOULD NOT PERMIT AN AUTO REPAIR BUSINESS IN A RESIDENTIAL CATEGORY. AT THAT TIME THE CITY DID NOT HAVE A PROCESS WHERE WE HAVE TODAY THAT YOU HAVE TO GO THROUGH A SPECIFIC ORDER TO GET A PERMIT APPROVAL. YOU COULD SEEK AND GET PERMITS FOR PIECES OF IT SO YOU COULD SEEK A FIRE INSPECTION AND THEY MAY NOT HAVE LOOKED AT THE APPROPRIATE PERMITS FOR BUILDING OR MAKING SURE THE ZONING WAS APPROPRIATE. I'M NOT SURE OF THE SALES PERMIT THAT HE HAS THAT WAS REFERENCED BY THE NEIGHBORHOOD, BUT WE CAN CERTAINLY TAKE A LOOK AT THAT INFORMATION TO MAKE THAT DETERMINATION, BUT GENERALLY RESIDENTIAL ZONING 25 YEARS AGO WOULD NOT HAVE ALLOWED AN AUTO BODY SHOP TO OPEN.

Leffingwell: SO HE COULD NOT CONTINUE AS A NON-CONFORMING USE.

IT'S MY OPINION THAT HE COULD NOT, BUT I'M WILLING TO TAKE A LOOK AT HIS INFORMATION. IT MAY HAVE BEEN COMMERCIAL AT ONE TIME, I'M NOT AWARE OF THAT, ROLLED BACK TO SINGLE-FAMILY RESIDENTIAL ZONING, AND THEN HE IS HERE TODAY. BUT I'M NOT AWARE OF THAT SITUATION HAPPENING.

Leffingwell: ANOTHER QUESTION, DOES THE NEIGHBORHOOD ASSOCIATION OPPOSE THE G.R.?

THEY ARE OPPOSED TO THE REQUEST TO GR-MU-NB. THEY ARE SUPPORTED BY A LETTER FROM WALTON AND THEY WOULD BE SUPPORTIVE TO A REQUEST OF L.R. OR L.O., LIMITED OFFICE. THE EXACT WORDING IS THEY WOULD NOT OPPOSE A REQUEST TO REZONE THE PROPERTY TO L.R. OR TO L. L.O.

Leffingwell: THANK YOU.

AND THIS WOULD BE ONLY READY FOR FIRST READING TODAY, MAYOR.

Mayor Wynn: OKAY. SO WE HAVE A MOTION FROM COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING AND APPROVE ZONING AND PLATTING RECOMMENDATION ON -- PLANNING COMMISSION RECOMMENDATION ON THE COMBINED CASE Z-5, Z-6, LR-MU-NP. SECONDED BY COUNCILMEMBER McCRACKEN. FURTHER COMMENTS? FIRST READING ONLY.

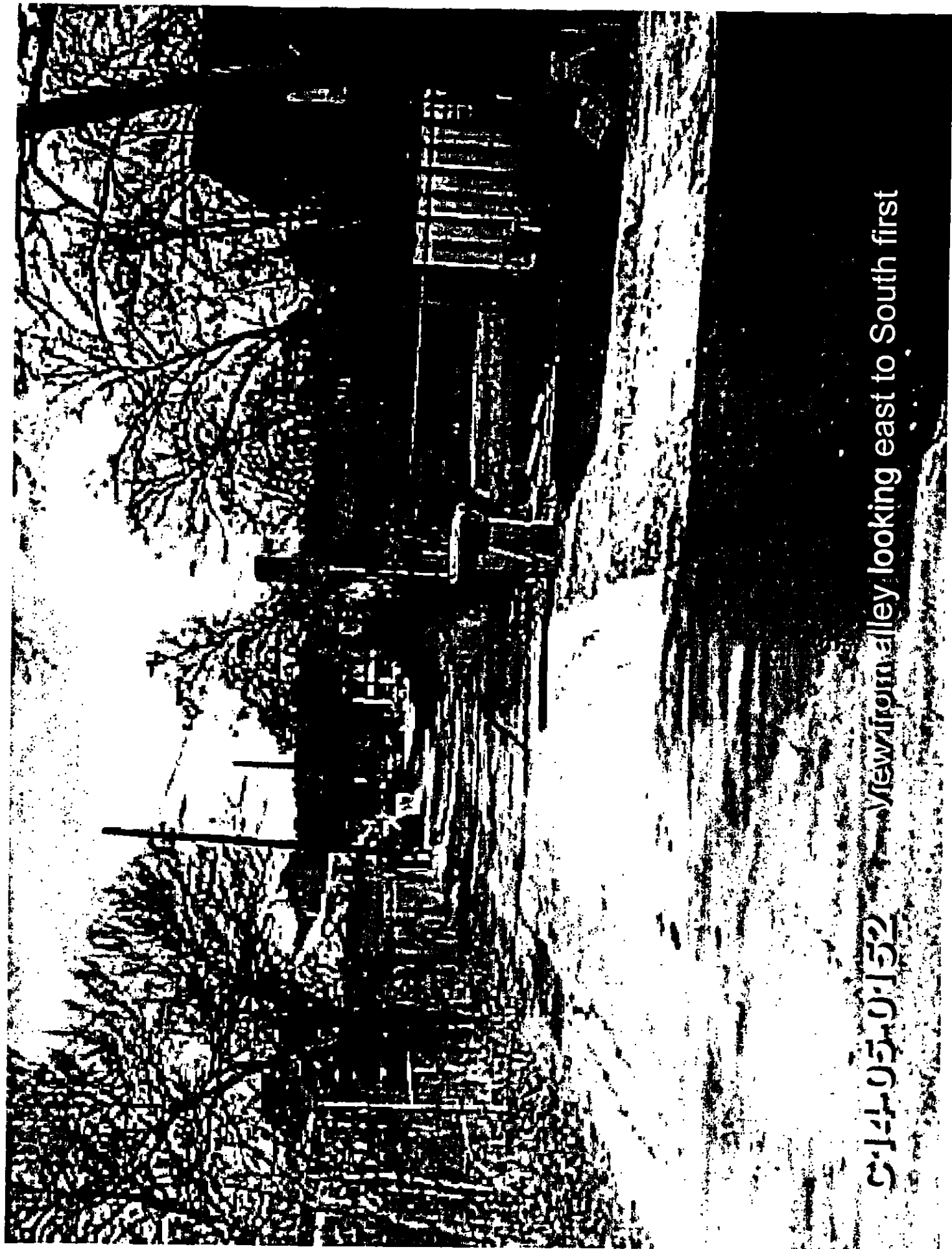
THAT'S ALSO TO CHANGE THE FUTURE LAND USE MAP TO MIXED USE.

Mayor Wynn: CORRECT. THANK YOU. FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 7 TO ZERO. THANK YOU, MR. GUERNSEY.

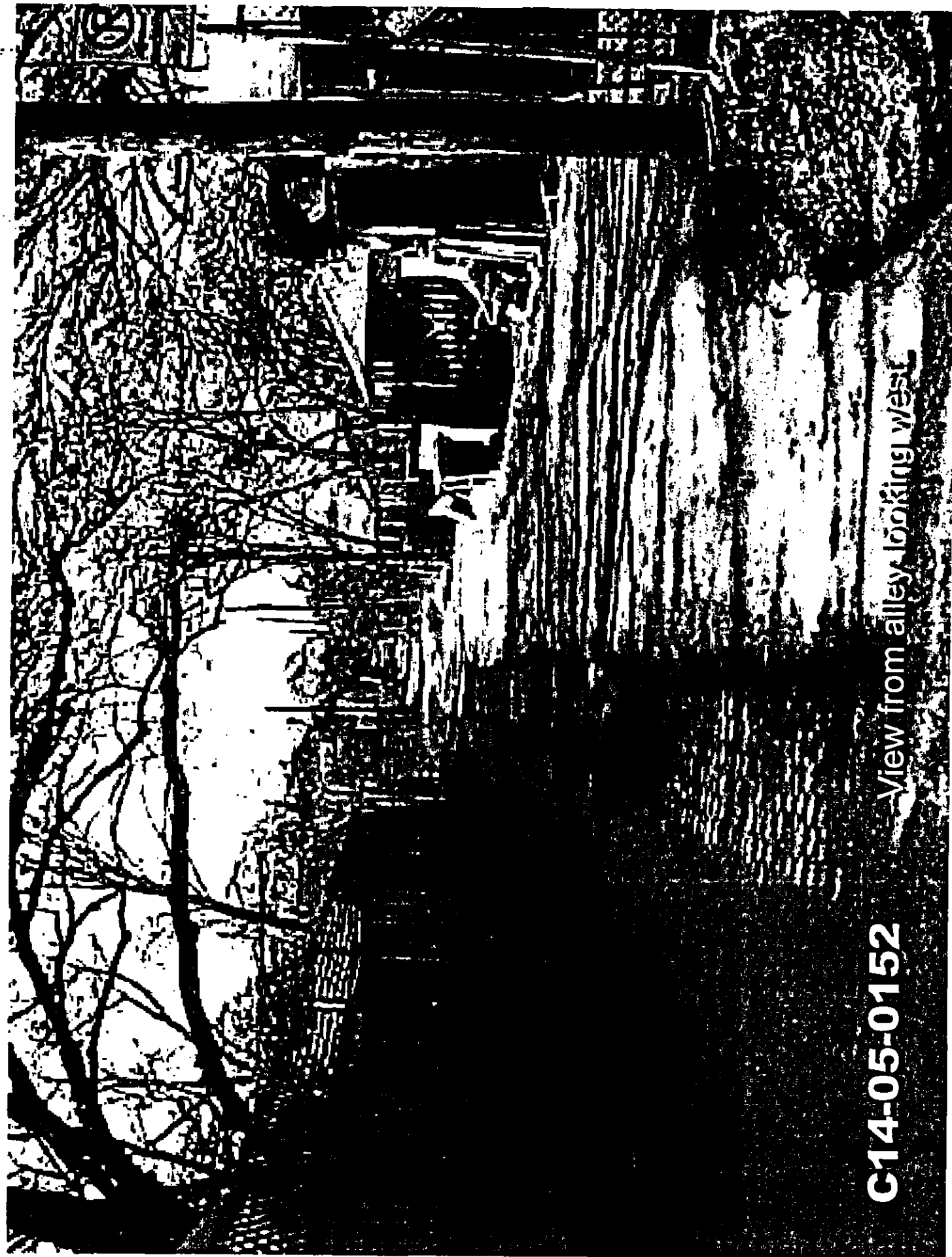


View from alley looking east to South first

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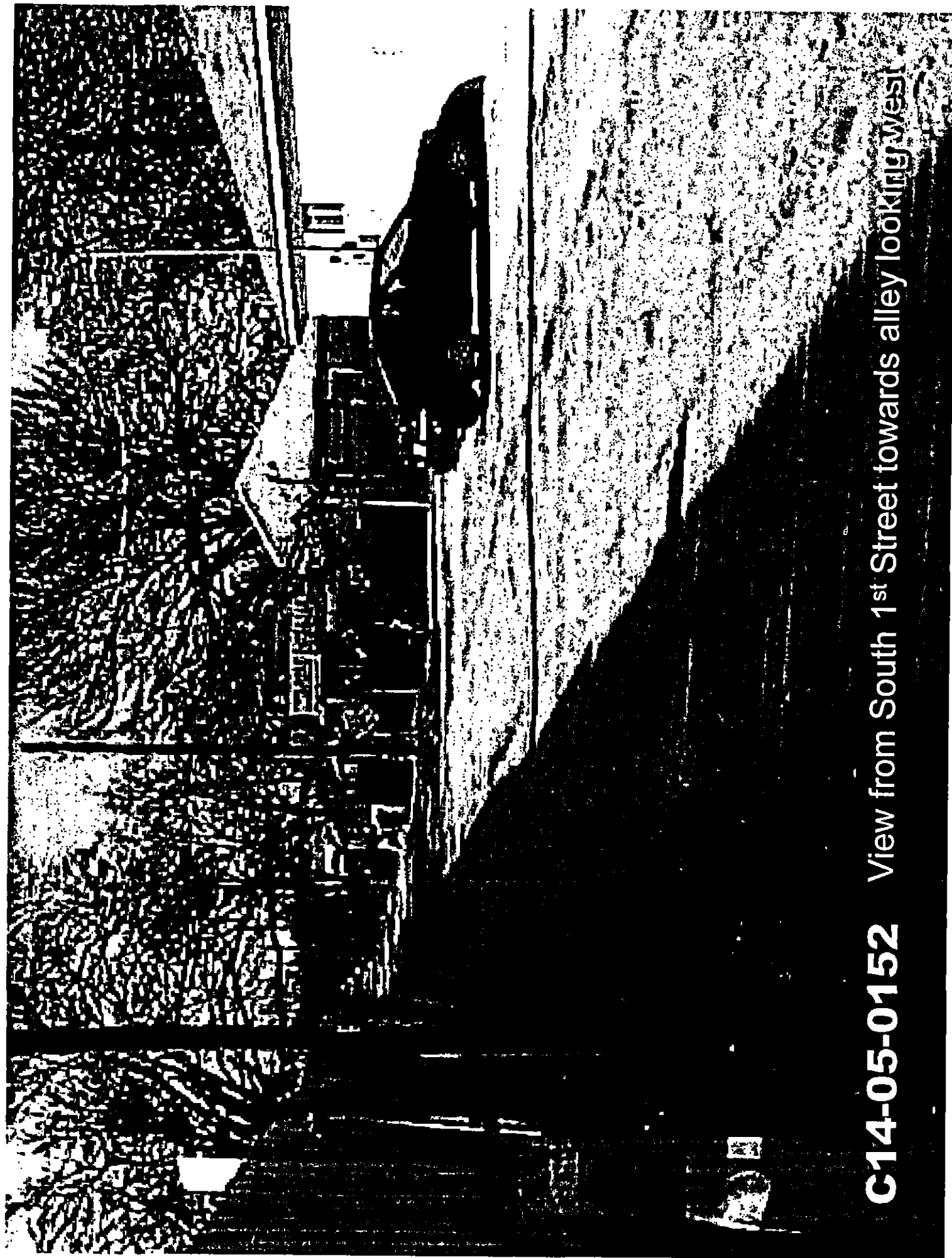


C-14-05-0152 View from alley looking east to South first



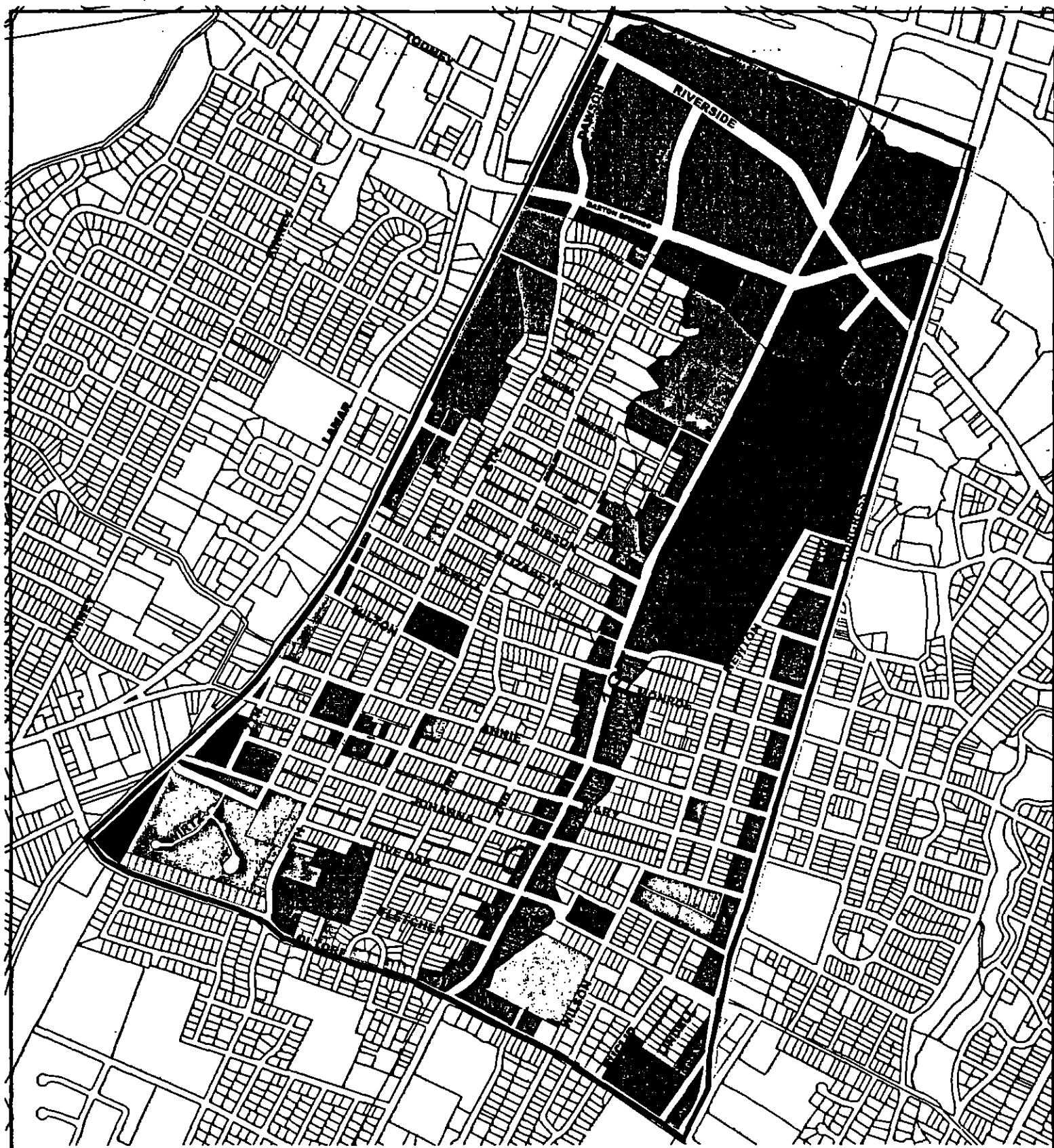
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View from alley looking west



C14-05-0152

View from South 1st Street towards alley looking west



Bouldin Creek Neighborhood Planning Area Future Land Use Map

Neighborhood Planning and
Zoning Department
March 2002

A comprehensive plan shall not
constitute zoning regulations or
establish district boundaries.

	Single-Family		Mixed Use
	Higher-Density		Civic
	Single-Family		Open Space
	Multifamily		
	Commercial		

