

A U S T I N C I T Y C O U N C I L
AGENDA

Thursday, May 4, 2006

[← Back](#)**Zone Hearings/App Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL ACTION**

36

Subject: C14-06-0020 - Gallery Shoal Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 West 34th Street (Shoal Creek Watershed) from limited office (LO) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Judith Taylor. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material

(click to open)

☐ **Staff Report****For More Information:** Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET**CASE:** C14-06-0020**Z.A.P. DATE:** April 4, 2006**ADDRESS:** 1500 West 34th Street**OWNER:** Judith Taylor**AGENT:** Jim Bennett**REZONING FROM:** LO (Limited Office) district**TO:** GO-CO (General Office – conditional overlay) combining district**AREA:** 0.166 Acres (7,252 sq. ft.)**SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:****April 4, 2006:*****APPROVED GO-CO DISTRICT ZONING; NO COMMERCIAL OFF-STREET PARKING; LO SITE DEVELOPMENT STANDARDS; PERMITTED LO USES; ONLY PERMITTED USE OF OFF-SITE ACCESSORY PARKING; BY CONSENT.******[J.MARTINEZ, J.GOHIL 2ND] (7-0) T.RABAGO, J.PINNELLI – ABSENT*****The following shall be prohibited uses:**

- Business or trade school;
- Business support services;
- Personal services;
- Printing and publishing; and
- Restaurant (limited)

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed rezoning from LO to GO-CO. The recommended conditional overlay will restrict development of the property to LO site development standards and LO uses. Furthermore, the only permitted GO use shall be off-site accessory parking. The Staff recommendation is based on the following considerations:

- 1.) The proposed commercial zoning classification is compatible with existing office uses and office uses along West 34th Street; and
- 2.) Proposed conditional overlay will limit uses and site development standards.

DEPARTMENT COMMENTS:

The subject rezoning area is a 7,252 square foot site fronting West 34th Street and Mills Avenue zoned LO. The existing structure is an art gallery with access off Mills Avenue. The applicant proposes to rezone the property to GO-CO to allow for off-site accessory parking to remedy parking problems related to the existing use. No change in use is proposed with the exception of allowing off-site accessory parking. The site is abutting an existing veterinary clinic to the north. This portion of West 34th Street accommodates a variety of office and commercial uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Art gallery
<i>North</i>	LO	Veterinary clinic
<i>South</i>	SF-3	Bryker Woods Elementary
<i>East</i>	P	Undeveloped land
<i>West</i>	MF-2	Single family residence

AREA STUDY: N/A**TIA:** N/A (See Transportation comments)**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

88--West Austin Neighborhood Group
 156--Bryker Woods Neighborhood Assn.
 344--M.K. Hage
 511--Austin Neighborhoods Council
 742--Austin Independent School District

SCHOOLS:

Austin Independent School District

- Bryker Woods Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES: N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-92-0006	CS-CO to PUD	04/06/93: APVD PUD PH I ONLY & 5 WAIVERS W/ CONDS. (PH II TO BE SUBMITTED IN 17 YRS)	05/06/93: APVD PUD PH I ONLY W/CONDS (6-0); 1ST RDG ONLY [PH II TO BE SUBMITTED IN 17 YRS] & APVD 5 WAIVERS. 06/10/93: APVD PUD (6-0); 2ND/3RD RDGS.
C14-96-0069	SF-3 to GR-CO	07/23/96: APVD STAFF ALT REC OF GR-MU-CO (6-0).	07/26/96: APVD PC REC OF GR-MU-CO (5-0) SUBJ TO CONDS. 08/15/96: APVD GR-MU-CO (7-0); (2ND/3RD).
C14-99-0107	LO to LR	08/03/99: APVD LR-CO (EXCLUDES LOT 4) (6-0)	09/02/99: APVD LR-CO W/CONDS (7-0) ALL 3 RDGS
C14-00-2283	SF-3 to LO	12/19/00: APVD STAFF REC OF LO-MU-CO BY CONSENT	01/18/01: APVD NO-MU (6-0); ALL 3 RDGS.

		(6-0).	
C14-05-0103	CS to CS-1	09/20/05: ZAP APVD CS-1-CO W/CONDS (8-1, BB-NO).	09/29/05: APVD CS-1-CO W/CONDS (7-0); 1ST RDG. 10/20/05: APVD CS-1-CO (7-0); 2ND/3RD RDGS.

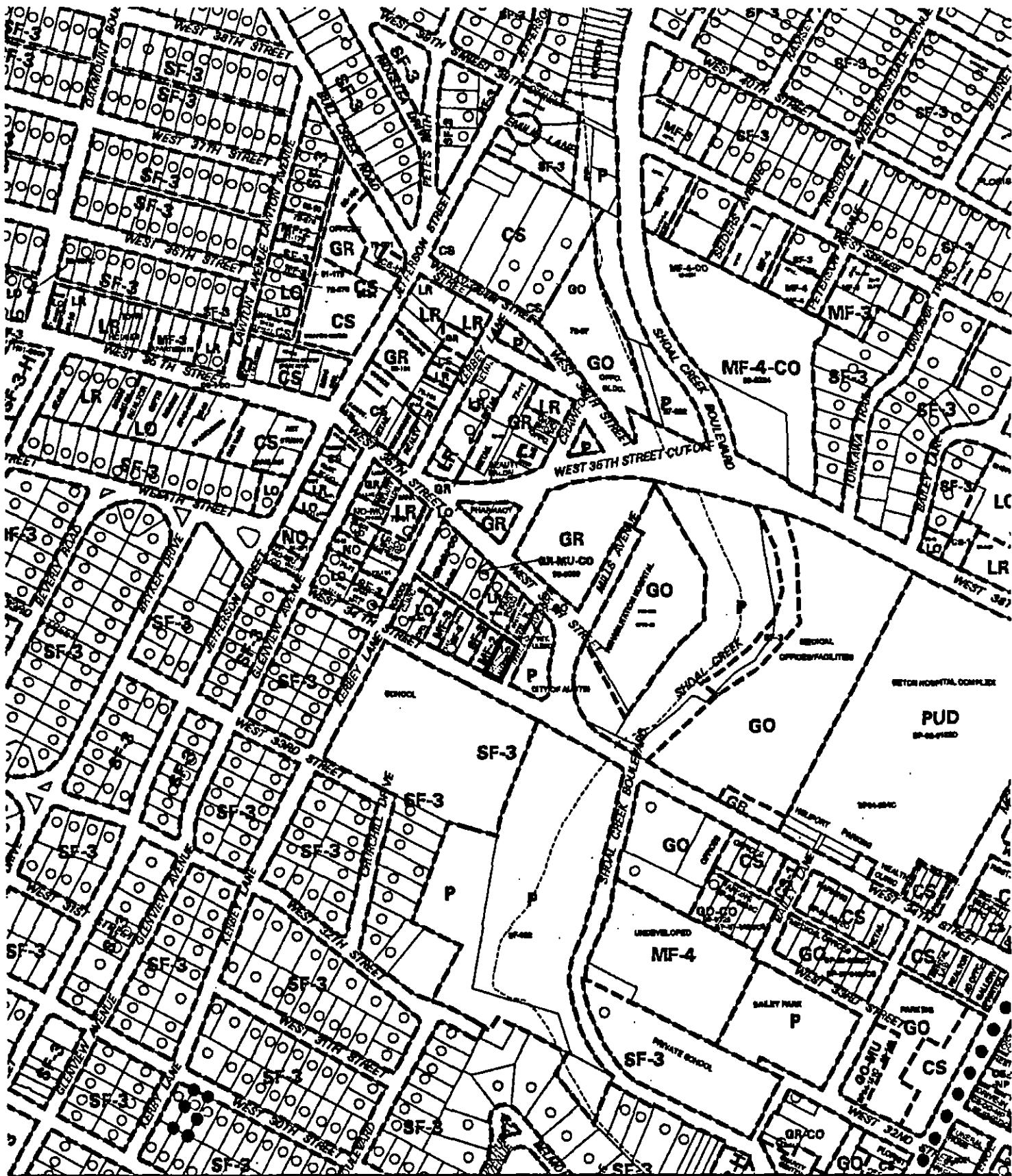
ABUTTING STREETS:

Name	ROW	Pavement	Classification
W. 34 th Street	60'	28'	Collector
Mills Avenue	34'	25'	Local

CITY COUNCIL DATE:

May 4, 2006

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us







 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: J.ROUSSELIN	ZONING CASE #: C14-06-0020 ADDRESS: 1500 W 34TH ST SUBJECT AREA (acres): 0.186	DATE: 06-02 INTLS: SM	CITY GRID REFERENCE NUMBER J25
---------------	--	--	--------------------------	---




1500 W. 34th St.
C14-06-0020

Legend

 Zoning
 Base
 Center Line

 N

 0 100 200 300 400 Feet

C14-06-0020

STAFF RECOMMENDATION

Staff recommends the proposed rezoning from LO to GO-CO. The recommended conditional overlay will restrict development of the property to LO site development standards and LO uses. Furthermore, the only permitted GO use shall be off-site accessory parking. The Staff recommendation is based on the following considerations:

- 1.) The proposed commercial zoning classification is compatible with existing office uses and office uses along West 34th Street; and
- 2.) Proposed conditional overlay will limit uses and site development standards.

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.

The property meets the purpose statement set forth in the Land Development Code. This portion of West 34th Street accommodates a variety of office and commercial uses.

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

Other properties in the immediate vicinity are zoned for office and commercial uses. The property to the north is zoned LO and is veterinary clinic.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is a 7,252 square foot site fronting West 34th Street and Mills Avenue zoned LO. The existing structure is an art gallery with access off Mills Avenue.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 81 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).
3. 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]
4. There are no existing sidewalks along W. 34th or Mills Avenue.
5. West 34th Street is classified in the Bicycle Plan as a Priority 1 bike route.
6. Capital Metro bus service is available along West 35th Street.

Environmental and Impervious Cover

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.
6. 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

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustment, or relocation 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 and Compatibility Standards

1. This site is currently developed, if a new site plan is submitted, it will need to show compliance with compatibility standards on the south and west property lines.
2. The site is subject to compatibility standards. Along the south and west property lines, the following standards apply:
 - 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.
 - 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.

MARCH 14, 2006

CITY OF AUSTIN
W.P.D.R./ZONING
505 BARTON SPRINGS
AUSTIN, TEXAS 78704

RECEIVED

MAR 14 2006

Neighborhood Planning & Zoning

RE: 1500 WEST 34TH ST

ATTN: CASE MANAGER,
PLEASE ACCEPT THIS REQUEST TO AMEND OUR APPLICATION FOR A ZONING
CHANGE AT 1500 W 34TH ST. WE HAD PROPOSED TO REZONE THE PROPERTY
TO GO-MU-CO. AT THIS TIME WE ARE NOW ASKING FOR GO-CO, WITH
A TRIP LIMIT OF 2000 PER DAY. PLEASE CONTACT US AT 784-4961
SHOULD YOU HAVE ANY QUESTIONS.

THANK YOU,

A handwritten signature in black ink, appearing to read "Rodney K. Bennett".

RODNEY K. BENNETT



BrykerWoods Neighborhood Association

January 17th, 2005

February 18, 2006

**Greg Blehle
Brykerwoods Veterinary Clinic
1501 W. 35th St.
Austin, Texas 78703**

RECEIVED

APR 04 2006

**Tim Mooney
Live Oak Group
2630 Exposition, Suite 203
Austin, Texas 78703**

Neighborhood Planning & Zoning

Re: Proposed Zoning Change for Shoal Creek Gallery (1500 West 34th St.)

Dear Greg and Tim,

Thank you for the information about proposed lease arrangement with the City of Austin for additional parking. As you know, BWNA has studied the Mills Ave. issues extensively over a period of years. We value our good relationship with you and remain willing to help you expand your parking in a way that would not jeopardize the interests of the neighborhood and the school.

The BrykerWoods Neighborhood Association has authorized me to convey our support for the proposed zoning lease arrangement under the following conditions:

1. The execution of a restrictive covenant for your property prohibiting expansion over the current eastern property line of the property as reflected on the attached survey. [Obviously, you have no intention of doing so and we don't want to fight this battle with future property owners.] The beneficiaries of the restrictive covenant will be the owners of the property immediately to the south (currently owned by Judy Taylor), the BrykerWoods Neighborhood Association and the Austin Independent School District

2. The off-site parking lease agreement will contain the following provisions:

- a. Parking is limited to single row 90 degrees with maximum depth of 19 feet.**
- b. Parking is to be officially surveyed and curbed appropriately to prevent vehicular encroachment onto the City-owned triangle.**
- c. Parking should be pervious if possible (gravel suggested)**

- d. The large cedar elm trees in front of the gallery are not to be removed (and a buffer placed around the trees meeting city specification.)
- e. No disruption to the "unimproved" parts of the City-owned triangle.
- f. No parking in front of the alley entrance between the gallery and vet clinic.
- g. Green or landscaped "buffers" placed at the north and south ends of designated parking.
- h. The leased parking strip is to be used for parking only and no improvements (other than vegetation) exceeding 3 feet in height shall be made.
- i. BWNA will be notified in advance of any proposed amendments to or termination of the lease agreement.

If this is agreeable, please so indicate by signing and returning the enclosed copy of this letter. Thank you for your cooperation.

Sincerely,

Edward Tasch - President
BrykerWoods Neighborhood Association

✓ *Edward Tasch*

Edward,

*You do know that I am
going this same application
route, also, right?*

structure or the creation of a future structure beyond the building's current footprint. The beneficiaries of the restrictive covenant will be the owners of the three residential properties to the west on 34th street, the property immediately to the north (currently owned by Greg Biehje), the BrykerWoods Neighborhood Association and the Austin Independent School District. The restrictive covenant will have duration of 20 years. [The rationale is that expanding the building to the south would eliminate or reduce currently available parking, to the east would obstruct Mills Ave., and to the north would obstruct the alley.]

3. The off-site parking lease agreement will contain the following provisions:

- a. Parking is limited to single row 90 degrees with maximum depth of 19 feet.
- b. Parking is to be officially surveyed and curbed appropriately to prevent vehicular encroachment onto the City-owned triangle.
- c. Parking should be pervious if possible (gravel suggested)
- d. The large cedar elm trees in front of the gallery are not to be removed (and a buffer placed around the trees meeting city specification.)
- e. No disruption to the "unimproved" parts of the City-owned triangle.
- f. No parking in front of the alley entrance between the gallery and vet clinic.
- g. Green or landscaped "buffers" placed at the north and south ends of designated parking.
- h. The leased parking strip is to be used for parking only and no improvements (other than vegetation) exceeding 3 feet in height shall be made.
- i. BWNA will be notified in advance of any proposed amendments to or termination of the lease agreement.

If this is agreeable, please so indicate by signing and returning the enclosed copy of this letter. Thank you for your cooperation.

Sincerely,



Edward Tasch - President
BrykerWoods Neighborhood Association

EDWARD,

WE AGREE TO ALL OF YOUR TERMS.

THANK YOU VERY MUCH.

Tim Mooney / REPRESENTING JUDY
TAYLOR



ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1500 WEST 34TH STREET FROM LIMITED OFFICE (LO) 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 limited office (LO) district to general office-conditional overlay (GO-CO) combining district on the property described in Zoning Case No. C14-06-0020, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 7, William Thiele Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 1, Page 34, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 1500 West 34th Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

1. The property shall be developed according to the limited office site development regulations and performance standards of the Code.
2. The following uses are prohibited uses of the Property:

Business or trade school
Personal services
Restaurant (limited)

Business support services
Printing and publishing

Except as specifically restricted under this ordinance, the Property may be 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 _____, 2006.
2
3

4 **PASSED AND APPROVED**
5

6 §
7 §
8 _____, 2006 § _____
9 Will Wynn
10 Mayor
11

12
13 **APPROVED:** _____ **ATTEST:** _____
14 David Allan Smith Shirley A. Gentry
15 City Attorney City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER J25
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-06-0020 ADDRESS: 1500 W 34TH ST SUBJECT AREA (acres): 0.166	DATE: 06-02 INTLS: SM	
	CASE MGR: J.ROUSSELIN			