

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

AGENDA



Thursday, May 18, 2006

Item #

 Back

Zone Hearings/App Ordinances/Restrictive Covenants RECOMMENDATION FOR COUNCIL ACTION

Subject: C14-05-0024 - 1101 West Lynn - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1101 West Lynn (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Action: To be reviewed on May 9, 2006. Applicant: Colonna Family Limited Partnership (Mike Colonna). Agent: Thrower Design (Ron Thrower). City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material

(click to open)

No Attachments Available

For More Information: Jorge E. Rousselin, 974-2975

ZONING REVIEW SHEET**CASE:** C14-06-0024**P. C. DATE:** May 9, 2006**ADDRESS:** 1101 West Lynn Street**OWNER:** Colonna Family Limited Partnership (Mike Colonna)**AGENT:** Thrown Design (Ron Thrown)**REZONING FROM:** SF-3-NP (Family residence – neighborhood plan)**TO:** CS-MU-CO-NP (Commercial services- mixed-use-conditional overlay-neighborhood plan)**AREA:** 0.016 Acre (703 square feet)**SUMMARY PLANNING COMMISSION RECOMMENDATION:**

May 9, 2006:

APPROVED STAFF'S RECOMMENDATION OF CS-MU-CO-NP; BY CONSENT.***[J.REDDY, K. JACKSON 2ND] (8-0)*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of CS-MU-CO-NP (Commercial services- mixed-use-conditional overlay-neighborhood plan) combining district zoning. The recommended conditional overlay shall address the following conditions:

- The property may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504;
- The height of a building or structure may not exceed 40 feet measured from ground level;
- The following shall be conditional uses:

○ Automotive rentals;	○ Equipment repair services;
○ Automotive repair services;	○ Equipment sales;
○ Automotive sales;	○ Guidance services;
○ Automotive washing (of any type);	○ Laundry services;
○ Commercial blood plasma center;	○ Maintenance and service facilities;
○ Construction sales and services;	○ Residential treatment; and
○ Convenience storage;	○ Service station
- The following shall be prohibited uses:
 - Drop-off recycling collection facilities;
 - Kennels;
 - Limited warehousing and distribution;

ISSUES:

The subject property is a 0.016 Acre (703 square feet) portion of Lot 16, Shelley Heights 2 Subdivision currently zoned SF-3-NP fronting Eason Street and currently used as a parking lot. There exists a residential structure west of the subject site zoned CS-MU-NP, with an approximate area of 3,358 square feet, in process for a change of use from residential to restaurant (limited). According to the applicant, the CS-MU-NP property has been used as a commercial establishment and the subject SF-3-NP property as parking for the commercial use. The applicant proposes to rezone the subject property from SF-3-NP to CS-MU-CO-NP to satisfy parking requirements for the existing

commercial establishment on West Lynn Street. The proposed conditional overlay as offered by the applicant will emulate the existing conditions on the properties zoned CS-MU-CO-NP along West Lynn and will address the following conditions:

- The property may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504;
- The height of a building or structure may not exceed 40 feet measured from ground level;
- The following shall be conditional uses:
 - Automotive rentals;
 - Automotive repair services;
 - Automotive sales;
 - Automotive washing (of any type);
 - Commercial blood plasma center;
 - Construction sales and services;
 - Convenience storage;
 - Equipment repair services;
 - Equipment sales;
 - Guidance services;
 - Laundry services;
 - Maintenance and service facilities;
 - Residential treatment; and
 - Service station
- The following shall be prohibited uses:
 - Drop-off recycling collection facilities;
 - Kennels;
 - Limited warehousing and distribution;
 - Exterminating services;
 - Adult oriented businesses; and
 - Vehicle storage;

In conjunction with the subject rezoning, a Neighborhood Plan Text Amendment addressing the following:

Original Text (deleted/changed text in bold italic)

Allow addition of residential (mixed-use development) on West Lynn from 10th Street to 13th Street on properties that already have both commercial zoning and a commercial use, by applying the Neighborhood Plan Combining District special use category "Neighborhood Mixed Use Building" and the Mixed Use Combining District. *Preserve residential uses and SF-3 zoning on the west side of Eason Street, which shares lots with West Lynn. In order to preserve the existing residential housing stock in the neighborhood, no rezonings from residential to commercial are recommended for West Lynn.* To develop commercial structures that are compatible with the residential character of the neighborhood, building height will be limited to 40' and three stories for commercially zoned properties on West Lynn from 10th Street to 13th Street.

Proposed Changes (new text in bold italic)

West Lynn from 10th Street to 13th Street on properties that already have both commercial zoning and a commercial use, by applying the Neighborhood Plan Combining District special use category "Neighborhood Mixed Use Building" and the Mixed Use Combining District. Preserve residential uses and SF-3 zoning on the west side of Eason Street, which shares lots with West Lynn. *Preserve existing Eason Street residential uses with structures with SF-3 zoning on the west side of Eason Street, which shares lots with West Lynn with the exception of supporting minor modifications to existing zoning boundaries that are creative and meet the intent of preserving the existing residential structures on Eason Street* To develop commercial structures that are compatible with the residential character of the neighborhood, building height will be limited to 40' and three stories for commercially zoned properties on West Lynn from 10th Street to 13th Street.

DEPARTMENT COMMENTS:

The subject rezoning area is a 0.016 Acre (703 square feet) zoned SF-3-NP forming the rear portion of Lot 16, Shelley Heights 2 Subdivision fronting on Eason Street and located within the *Residential Core* as defined on page 26 of the *Old West Austin Neighborhood Plan ("OWA Plan")*. The site is currently a parking lot which has existed under the SF-3-NP designation. The subject property was rezoned from SF-3 to SF-3-NP under Ordinance No. 020926-26 enacting the Old West Austin Neighborhood Plan Area. The applicant proposes to rezone the site to CS-MU-CO-NP to satisfy parking requirements for the existing commercial establishment on West Lynn Street.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Parking lot
<i>North</i>	SF-3-NP	Single-family residence
<i>South</i>	SF-3-NP	Single-family residence
<i>East</i>	SF-3-NP	Single-family residence
<i>West</i>	CS-MU-CO-NP	Restaurant

NEIGHBORHOOD PLAN AREA:

Old West Austin

TIA: Waived (See Transportation comments)**WATERSHED:** Town Lake**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

18--Old West Austin Neighborhood Assn.

118--Clarksville Community Development Corp.

511--Austin Neighborhoods Council

742--Austin Independent School District

998--West End Austin Alliance

SCHOOLS:

Austin Independent School District

- Matthews Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0112	Old West Austin Neighborhood Plan Rezoning	08/14/02: APVD (6-0, DS-RECUSED) SF-2-NP, SF-2-H-NP, SF-3-NP, SF-3-H-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H-NP, NO-NP, NO-CO-NP, NO-MU-H-CO-NP, P-NP, P-H-NP, LO-NP, LO-CO-NP, LO-H-NP,	08/29/02: APVD ON 1 ST RDG: SF-2-NP, SF-2-H-NP, SF-3-NP, SF-3-H-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H-NP, NO-NP, NO-CO-NP, NO-MU-H-CO-NP, P-NP, P-H-NP, LO-NP, LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP,

		LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP.	LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP (7-0) 09/26/02: APVD SF-2-NP, SF-2-H-NP, SF-3-NP, SF-3-H-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H-NP, NO-NP, NO-CO-NP, NO-MU-H-CO-NP, P-NP, P-H-NP, LO-NP, LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP AND DIRECTED STAFF TO INITIATE REZONING OF 1706 & 1708 W 6TH FROM SF-2-NP TO NO-MU-CO-NP
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CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0149.05	MF-4-NP to SF-3-NP	02/22/05: APVD SF-3-NP BY CONSENT (7-0)	04/28/05: APVD SF-3-NP (5-0); ALL 3 RDGS
C14-04-0149.09	MF-3-NP to SF-3-NP	02/22/05: APVD SF-3-NP BY CONSENT (7-0)	04/28/05: APVD SF-3-NP (5-0); ALL 3 RDGS
C14-04-0149.13	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS
C14-04-0149.14	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS
C14-04-0149.29	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/24/05: APVD SF-3-NP (7-0); ALL 3 RDGS
C14-04-0149.44	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS
C14-04-0149.47	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS

ABUTTING STREETS:

Name	ROW	Pavement	Classification
West Lynn	60'	25'	Collector
Eason Street	40'	24'	Local

CITY COUNCIL DATE:

May 18, 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



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: J.ROUSSELIN

ZONING
 CASE #: C14-06-0024
 ADDRESS: 1101 WEST LYNN ST
 SUBJECT AREA (acres): 0.016


DATE: 06-04
 INTLS: SM


CITY GRID
 REFERENCE
 NUMBER
 H23





1101 West Lynn St.
C14-06-0024


Legend

 Zoning

 Base

 Center Line

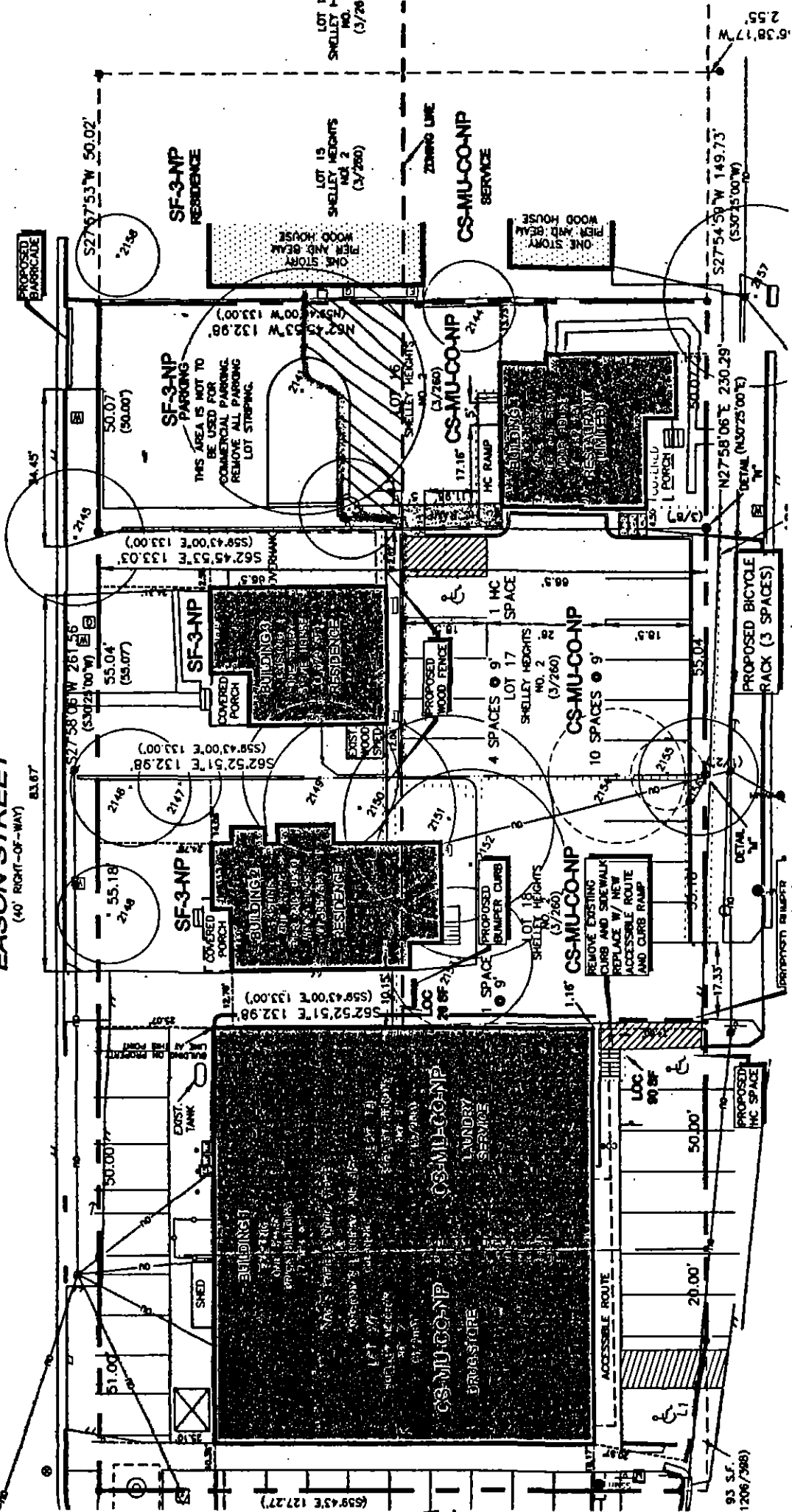
 N

 0 20 40 60 80 Feet

C14-06-0024

SF-3-NP
 RESIDENCES

EASON STREET
 (40' RIGHT-OF-WAY) 83.87'



West Lynn

C14-06-0024

STAFF RECOMMENDATION

Staff recommends approval of CS-MU-CO-NP (Commercial services- mixed-use-conditional overlay-neighborhood plan) combining district zoning. The recommended conditional overlay shall address the following conditions:

- The property may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504;
- The height of a building or structure may not exceed 40 feet measured from ground level;
- The following shall be conditional uses:
 - Automotive rentals;
 - Automotive repair services;
 - Automotive sales;
 - Automotive washing (of any type);
 - Commercial blood plasma center;
 - Construction sales and services;
 - Convenience storage;
 - Equipment repair services;
 - Equipment sales;
 - Guidance services;
 - Laundry services;
 - Maintenance and service facilities;
 - Residential treatment; and
 - Service station
- The following shall be prohibited uses:
 - Drop-off recycling collection facilities;
 - Kennels;
 - Limited warehousing and distribution;

BASIS FOR RECOMMENDATION

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

The proposed rezoning will preserve the residential character of the neighborhood as only 703 square feet of area is proposed to be rezoned.

2. *Zoning should allow for reasonable use of the property.*

The proposed rezoning will allow for reasonable use of both parcels while maintaining the residential character of the neighborhood.

EXISTING CONDITIONS

Site Characteristics

The subject property is a 0.016 Acre (703 square feet) portion of Lot 16, Shelley Heights 2 Subdivision currently zoned SF-3-NP fronting Eason Street and currently used as a parking lot. There exists a residential structure west of the subject site zoned CS-MU-NP, with an approximate area of 3,358 square feet, in process for a change of use from residential to restaurant (limited). According to the applicant, the CS-MU-NP property has been used as a commercial establishment and the subject SF-3-NP property as parking for the commercial use. The applicant proposes to rezone the subject property from SF-3-NP to CS-MU-CO-NP to satisfy parking requirements for the existing commercial establishment on West Lynn Street.

Transportation

1. No additional right-of-way is needed at this time.

2. The trip generation under the requested zoning is estimated to be 456 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. A neighborhood 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 300 vehicle trips per day beyond the trips that are currently generated by this site. [LDC, 25-6-114]
5. There are existing sidewalks along West Lynn.
6. West Lynn is classified in the Bicycle Plan as a Priority 1 bike route.
7. Capital Metro bus service is available along West Lynn.

Environmental

1. The site is located over the northern Edwards Aquifer Recharge Zone. The site is located in the Town Lake 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. The site is currently developed and there are no known wetland or geologic environmental features. Large trees are known to exist on this site.
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.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and adjustment.

3. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay the associated City fees.

Site Plan

1. There is a site plan currently under review for this property (SP-05-1335C), which provides for the maintenance of existing parking on lots 19 & 20. There is also an increase of ten additional parking spaces (9 standard, 1 handicap) located on lots 17 & 18 zoned CS-MU-CO-NP. And a change of use from residential to restaurant (limited) located on lot 16, at 1101 West Lynn Street. All development on this site plan is proposed for the CS-MU-CO-NP zoned lots.
2. The site is subject to compatibility along the south and east property lines the following standards apply:
 - No structure may be built within 25 feet of the property lines.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - A landscape area at least 5 feet wide is required along the property line. In addition, a fence, berm, or a dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection
3. The large protected tree #2141 on the east portion of lot 16 zoned SF-3-NP shall be preserved and protected. No limits of construction are allowed in this area. Applicant should call the City Arborist Micheal Embesi at 974-1876 to schedule a meeting prior to any development.

Thrower Design

2807 Manchaca Road, Building 2
(512) 476-4456 • Fax (512) 476-4454

February 27, 2006

Mr. Greg Guernsey
Director
Neighborhood Planning & Zoning Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: 1101 West Lynn

Dear Mr. Guernsey,

On behalf of our client we respectfully submit herein the requisite documents associated with the rezoning of a portion of the above referenced property.

The subject property is subdivided as Lot 16, Shelley Heights 2 and has frontage on West Lynn and Eason Streets. The current zoning of the subdivided lot is "CS-MU-CO-NP" on the western ½ of the lot and "SF-3-NP" on the eastern ½ of the lot. A residential structure located on the commercially zoned portion is in process for a change of use to a restaurant (limited) use. This structure has been continually used for a commercial business for over 50 years and for approximately 25 years the "SF-3-NP" portion has been used for parking of the commercial use. The City has recognized the commercial use of the entire Lot 16, Shelley Heights 2 property through the various land use maps that have been generated over the past several decades. Further, the city most recently recognized the commercial use of the entire property with the Old West Austin Neighborhood Plan which was adopted in 2000.

Existing zoning conditions of the property render ½ of the property undevelopable with the change of use to commercial of the ½ of the property that fronts on West Lynn. Even though the back ½ of the property has been used and recognized commercially for many decades by the city as well as others, the city is now denying the previously recognized right to use the back ½

L A N D P L A N N E R S

of the property as any commercial use – period. Both individually zoned portions of the subdivided lot are not able to stand alone for subdivision purposes as they do not meet the minimum lot area requirements. This is a tragic condition for which the city now has recognized policies to prevent this very instance to ever happen again. Nonetheless, my client is saddled with the sole responsibility to create the viable use of the property for which commercial taxes have been paid for decades.

Questions have been raised about the actual use of the entire property since that 2000 date resulting in economic harm to the landowner with the inability of reaching any resolution with city staff regarding the site plan or the potential rezoning. As such, the landowner desires to seek an equitable solution to the matter with the attached proposal to rezone +/-785 s.f. of land from "SF-3-NP" to "CS-MU-CO-NP". This area of rezoning is internal to the subdivided lot and is created by overlaying the existing improvements coupled with the future use of both properties. This 785 s.f. proposed for rezoning does allow for a greater viability of the rear portion of the subdivided lot while keeping the "SF-3-NP" abutting Eason Street. This will provide for the future ability to perform an amended plat with Lots 16 & 17 Shelley Heights 2 to allow for lots to run parallel to the street and have frontage on one street rather than the lots run perpendicular with the frontage on two streets as exists today.

We believe this is a positive and equitable solution to a very complex situation and series of events that has created (for lack of better terms) a mess. Everyone involved comes out ahead with this solution provided that all parties can agree:

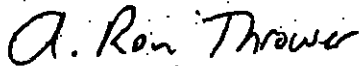
- 1) The landowner regains viability of the diverse zoning placed on the property and regains versatility for existing and proposed uses on the property;
- 2) The neighborhood retains the Old West Austin Neighborhood Plan text document intact;
- 3) The City of Austin ratifies their support for their own current zoning policies, which were not in effect at the time of the Neighborhood Plan but are in effect today.

We will be meeting with the surrounding property owners on Eason Street on February 27 to discuss this proposal and will inform the city of the outcome from that meeting. Further, we will send a letter to Old West Austin Neighborhood Association informing them of the rezoning request and to make ourselves available should anyone have any questions.

I trust that the City of Austin Neighborhood Planning & Zoning Department will find the proper warrants to recommend this request to rezone the +/-785 s.f. portion of the subdivided property from "SF-3-NP" to "CS-MU-CO-NP". We believe this request is meeting the intent of the policies and regulations of not only the internal city guidelines but the guidelines set forth by the neighborhood with the adoption of the Old West Austin Neighborhood Plan.

Should you have any questions or need additional time, please contact me at my office.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower