Thursday, May 25, 2006

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

Subject: C14-06-0025 Parkfield-4186 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9414 Parkfield Drive (Little Walnut Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to commercial-liquor sales neighborhood plan (CS-1-NP) combining district zoning. Planning Commission Recommendation: To deny commercial-liquor sales neighborhood plan (CS-1-NP) combining district zoning. Applicant: Parkfield Plaza, LLC; (Chassan Najjar). Agent: Jim Bennett. City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material

(click to open)

D Staff Report

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

ZONING REVIEW SHEET

<u>CASE</u>: C14-06-0025 <u>P. C. DATE</u>: April 25, 2006

ADDRESS: 9414 Parkfield Drive

OWNER: Parkfield Plaza, LLC (Ghassan Najjar)

AGENT: Jim Bennett

REZONING FROM: GR-NP (Community commercial – neighborhood plan)

TO: CS-1-NP (Commercial-liquor sales-neighborhood plan)

AREA: 4,186 square feet

SUMMARY PLANNING COMMISSION RECOMMENDATION:

April 25, 2006:

1

APPROVED STAFF'S RECOMMENDATION TO DENY THE REQUEST FOR CS-1-NP

DISTRICT ZONING.

[D.SULLIVAN, M.DEALEY 2ND] (8-0)

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of CS-1-NP (Commercial-liquor sales-neighborhood plan) district zoning.

<u>DEPARTMENT COMMENTS:</u>

The subject rezoning area is a 7,622 square foot site in an existing shopping center with access to Rutland Drive, Parkfield Drive, and West Rundberg Lane zoned GR-NP. The existing area is used for retail. The property was rezoned from GR to GR-NP under Ordinance No. 010524-94 enacting the North Austin Civic Association (NACA) Neighborhood Plan. The applicant proposes to rezone the shopping center area to CS-1-NP for the use of a bar.

Under Land Use, Zoning and Code Enforcement, page 19 of the NACA Neighborhood Plan, the following is stated:

NACA will generally oppose requests for zoning changes or variances within the NACA boundaries if the action would result in one or more of the following conditions. NACA is willing to discuss individual circumstances with persons making the requests. The items listed below apply to commercial property inside the neighborhood planning boundaries, near residential, and do not apply to property located on Lamar Boulevard, Metric Boulevard or Research Boulevard.

- Allowing the sale of alcoholic beverages, unless it is for those classified as Restaurant-General.
- Allowing a "late hours" permit from the Texas Alcoholic Beverage commission in order to serve alcohol between 12:00 midnight and 2:00 a.m.
- Substantially increasing the vehicular traffic within NACA boundaries (substantial would be a 50% increase or more).
- Allowing a business to operate between 6:00 p.m. and 6:00 a.m. inside the boundary streets of the neighborhood near residential areas.

While a plan amendment is not needed, Staff recommends denial of CS-1-NP based on the following considerations:

- 1.) The proposed land use change is not recommended by the NACA Neighborhood Plan;
- 2.) Although located within an established commercial center, additional liquor-sales will not be compatible with existing surrounding single-family residential uses along Quail Meadow Drive west of the subject site;
- 3.) The proposed bar will be of detriment to the residential character of the established neighborhood west of the subject property; and
- 4.) No change in conditions has occurred within the area indicating that there is a basis for changing the zoning as established by the NACA Neighborhood Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES	
Site	GR-NP	Commercial center	
North	CS-1-NP	Liquor store	
South	GR-NP	Commercial center	
East	LR-NP / GR-NP	Convenience store / car wash	
West	SF-3-NP	Office / Service Station	

NEIGHBORHOOD PLAN AREA:

North Austin Civic Association

TIA: Waived (See Transportation comments)

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- West Austin Neighborhood Group
- Austin Neighborhoods Council
- Austin Independent School District

SCHOOLS:

Austin Independent School District

- Cook Elementary School
- Burnet Middle School
- Lanier High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-73-120	"B" Residence 1" H&A to "A" Residence 1" H&A and GR 1" H&A.	06/12/73: Recommended granting "B" Residence 1st H&A to "A" Residence 1st H&A and GR 1st H&A subject to site plan for landscaping for PC approval.	07/05/73: Granted "B" Residence 1st H&A to "A" Residence 1st H&A and GR 1st H&A subject to site plan for landscaping for PC approval.
C14-75-033	GR 1st H&A to C-1 1st H&A	WITHDRAWN BY APPLICANT	WITHDRAWN BY APPLICANT
C14-82-130	GR 1" H&A to C-2 1" H&A	10/05/82: Recommended denial of GR 1 st H&A to C-2 1 st H&A.	WITHDRAWN BY APPLICANT

C14-87-129	GR to CS-1	08/25/87: Recommended CS-1 zoning as requested. (6-0)	09/24/87: Approved CS-1 zoning as requested.
C14-87-180	GR to CS-1	12/15/87: Recommended denial of CS-1. (6-1)	01/28/88: WITHDRAWN BY APPLICANT
C14-01-0037	NACA Neighborhood Plan	04/17/01: PC APVD STAFF REC OF NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP, (9- 0) W/25' VEG BUFFER ON SOUTH BOUNDARY OF TR 19.	05/24/01: APVD PC REC ON ALL 3 RDGS EXCEPT TR 9 (1ST RDG ONLY); (6-0) 08/09/01: TR 9: APVD CS-NP (7- 0), 2ND/3RD RDG

CASE HISTORIES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO	BICYCLE PLAN
Parkfield	70'	54'	Arterial	Yes	Yes	No
Rundberg	90'	Varies	Arterial	Yes	Yes	Yes
Rutland	70'	54'	Collector	Yes	Yes	No

CITY COUNCIL DATE: May 25, 2006

ACTION:

ORDINANCE READINGS: 1st

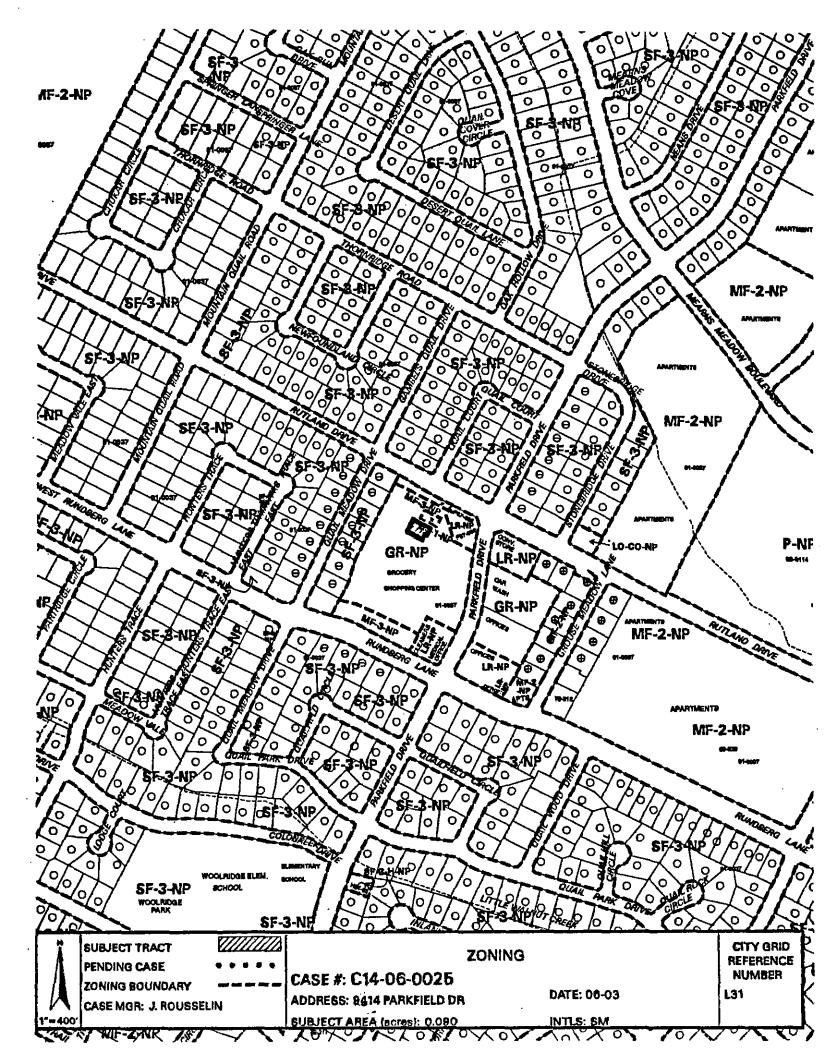
 3^{rd}

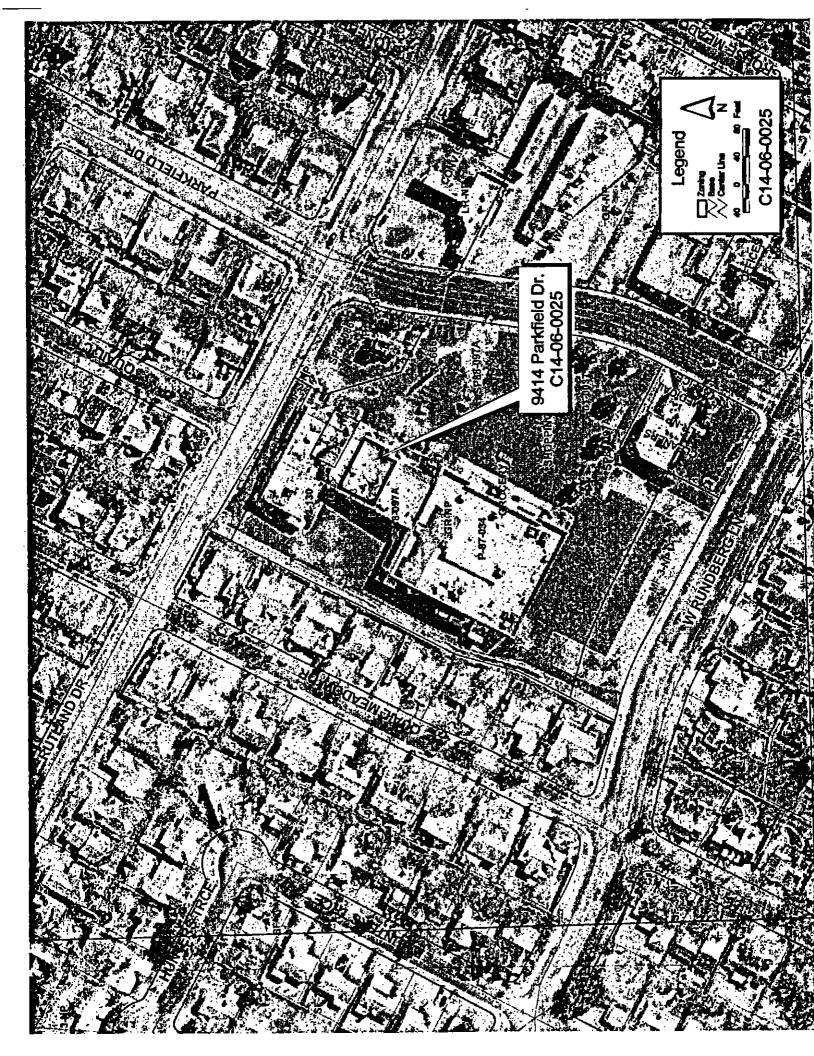
ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us





North Austin Civic Association Neighborhood Plan June 2000



NACA Future Land Use Map

Neighborhood Plan

1. Land Use, Zoning and Code Enforcement

Overall Goal: Strengthened code enforcement to bring stability and improve the appearance of the neighborhood. Maintain and enhance existing zoning for future development to improve land use and the quality of life in the neighborhood. Prevent additional commercial development within the residential areas and maintain a residential core bounded by commercial and mixed-use development to maximize economic development and aesthetic appeal of all land use types.

Planning Principles

- 1. The City should direct growth along Lamar Boulevard and away from the single-family residential areas of the neighborhood.
- NACA is a fairly dense neighborhood with an unusually large number of apartment units. NACA welcomes the opportunity to join with property owners, developers, and the City on <u>all</u> rezoning cases; especially those that involve increased housing density.
- 3. NACA supports the enforcement of building codes and City ordinances in the neighborhood.
- 4. Work with the City, businesses, and property owners to ensure that all properties in the neighborhood are well maintained.
- 5. NACA supports the strict enforcement of the City's sign ordinance, removing those signs in violation, and limiting the placement of new signs within the NACA boundaries.
- 6. NACA opposes the establishment of additional adult oriented businesses in the area. The City must ensure that such businesses abide by all applicable ordinances.
- 7. NACA will generally oppose requests for zoning changes or variances within the NACA boundaries if the action would result in one or more of the following conditions. NACA is willing to discuss individual circumstances with persons making the requests. The items listed below apply to commercial property inside the neighborhood planning boundaries, near residential, and do not apply to property located on Lamar Boulevard, Metric Boulevard or Research Boulevard.
 - Allowing the sale of alcoholic beverages, unless it is for those classified as Restaurant-General.

North Austin Civic Association Neighborhood Plan June 2000

- Allowing a "late hours" permit from the Texas Alcoholic Beverage commission in order to serve alcohol between 12:00 midnight and 2:00 a.m.
- Substantially increasing the vehicular traffic within NACA boundaries (substantial would be a 50% increase or more).
- Allowing a business to operate between 6:00 p.m. and 6:00 a.m. inside the boundary streets of the neighborhood near residential areas.
- Protect the unique character of residences on Macmora Road, which includes large lots and some livestock.
- Redevelopment in the neighborhood should be based upon the NACA Neighborhood Design Guidelines, the Neighborhood Plan and should support the neighborhood's goal to enhance Lamar Boulevard and make it a "Great Street."
- 10. NACA supports the redevelopment of Quail Creek Shopping Center (located on Parkfield Drive between Rundberg Lane and Rutland Drive) to better serve the neighborhood.
- Goal 1: Protect and enhance the existing neighborhood through code enforcement and property maintenance activities.
 - Objective 1: Improve enforcement of existing ordinances related to buildings and property.
 - Action 1. Form a Code Enforcement Committee responsible for identifying and reporting code violations to the City. The committee should consist of at least one representative from each of the five sectors, and other interested residents, who will work with city departments to follow up on ordinance violations. Primary Implementers: NACA
 - Action 2. The immediate priority of the Code Enforcement Committee is to improve the appearance of Rundberg Lane through increased code enforcement of properties along the corridor. Primary implementers: NACA
 - Action 3. Work with the NACA Code Enforcement Committee to develop and distribute a plain-language description of commonly violated codes, and the process used by the City of Austin to handle complaints and code violations.

 Primary implementers: PECSD

STAFF RECOMMENDATION

Staff recommends denial of CS-1-NP (Commercial-liquor sales-neighborhood plan) district zoning.

BASIS FOR RECOMMENDATION

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

Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district. [LDC 25-2-104]

The proposed rezoning does not meet the purpose statement of the district sought. Although located in an established commercial center, the subject site is surrounded to the north, south and west by an established neighborhood.

2. 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 have a detrimental land use impact on the adjacent residential properties to the north, south and west. Furthermore, the introduction of more intensive land uses may infringe on the residential character of the neighborhood.

3. No change in conditions has occurred within the area indicating that there is a basis for changing the zoning as established by the NACA Neighborhood Plan.

Existing conditions and land uses around the subject property have not significantly changed to merit a justification for a zoning change.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is a 7,622 square foot site in an existing shopping center with access to Rutland Drive, Parkfield Drive, and West Rundberg Lane zoned GR-NP. The existing area is used for retail. The property was rezoned from GR to GR-NP under Ordinance No. 010524-94 enacting the North Austin Civic Association (NACA) Neighborhood Plan.

Transportation

- 1. No additional right-of-way is needed at this time.
- 2. The trip generation under the requested zoning is estimated to be 1,298 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]

Environmental

- 1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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. According to flood plain maps, there is no flood plain within the project area.
- 4. At this time, the site is entirely built out, thus there are no environmental features.
- 5. 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 system upgrades, or offsite main extension, or utility adjustment, or utility relocation are required, the landowner, at own expense, will be responsible for providing.
- 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 of Austin design criteria.
- 5. The water and wastewater utility construction must be inspected by the City of Austin.
- 6. The landowner must pay the applicable and associated City fees.

Site Plan

1. The change of use to "Cocktail lounge" will require a Conditional Use Permit at the time of site plan, after the zoning is changed to CS-1.

ORDINANCE NO. 010524-94

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR 23 TRACTS OF LAND OUT OF APPROXIMATELY 1580.8 ACRES OF LAND GENERALLY KNOWN AS THE NORTH AUSTIN CIVIC ASSOCIATION NEIGHBORHOOD PLAN WHOSE BOUNDARIES ARE KRAMER LANE ON THE NORTH, LAMAR BOULEVARD ON THE EAST, METRIC BOULEVARD ON THE WEST AND RESEARCH BOULEVARD ON THE SOUTH.

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 add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 23 tracts of land within the property described in File C14-01-0037, as follows:

Approximately 1580.8 acres of land, in the City of Austin, Travis County, Texas, including Tracts 1 through 8 and Tracts 10 through 24 more particularly described and identified in the chart below and the attached Exhibit "A", (the "Property")

generally known as the North Austin Civic Association Neighborhood Plan (NP) combining district, locally known as the property bounded by Kramer Lane on the north, Lamar Boulevard on the east, Metric Boulevard on the west, and Research Boulevard on the south, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning districts for the 23 tracts of land are changed from limited office (LO) district, neighborhood commercial (LR) district, community commercial (GR) district, general commercial services (CS) district, commercial-liquor sales (CS-1) district, single family residence standard lot (SF-2) district, family residence (SF-3) district, multifamily residence low density (MF-2) district, and limited industrial services (LI) district to neighborhood office-neighborhood plan (NO-NP) combining district, limited office-neighborhood plan (LO-NP) combining district, community commercial-neighborhood plan (GR-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, public-neighborhood plan (P-NP) combining district, multifamily residence low density-neighborhood plan (MF-2-NP) combining district, and limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district, as more particularly described and identified in the chart below.

Tract#	Addresses	From	To
TRACT 1	0 Kramer Lane (LOT 14, WHITE PLAINS), 1021 Kramer	MF-2	NO-NP
	Lane	j	
ı	1101 Kramer Lane	SF-3	1
· · · · · · · · · · · · · · · · · · ·	1105 Kramer Lane	SF-2	
TRACT 2	910, 912, 914, 916, 1000, & 1002 Prairie Trail	LI	CS-NP
TRACT 3	820, 826, 828, 830, 900, 902, & 904 Prairie Trail, 10900 &	LI	CS-NP
	11000 N. Lamar Blvd		<u> </u>
TRACT 4	1001 & 1003 Prairie Trail	Li	CS-NP
TRACT 5	0 Prairie Trail (LOT 5 BLK D, WHITE PLAINS SEC 5), 0	LI	CS-NP
	Prairie Trail (LOT 3 BLK D WHITE PLAINS SEC 5), 811,		1
	823, 825, 827, 829, 831, 833, 907, 909, 911, & 913 Prairie		
•	Trail, 818, 820, 822, 824, 826, 828, 830, & 904 Wagon Trail,		1
	(LOT 3 BLK D, WHITE PLAINS SEC 5),10806, 10814,	Ī	}
	10834, & 10836 N. Lamar Blvd, 0 N. Lamar Blvd.		<u> </u>
TRACT 6	0 Wagon Trail (LOT 43, WHITE PLAINS SEC 4 PHS 2), 0	LI	CS-NP
	Wagon Trail (LOT 41, WHITE PLAINS SEC 4 PHS 2), 817,	ļ	ļ
	819, 821 (LOT 45A, WHITE PLAINS SEC 4 PHS 2), 821		1
	(LOT 47A, WHITE PLAINS SEC 4 PHS 2), 825, & 903		1
	Wagon Trail, 0 McPhaul Street (LOT 9, BARROW E S SEC		ł
	1), 804, 806, 808, 900, 902, 904, & 906 McPhaul Street,		1
	10600, 10700, 10720, & 10810 N. Lamar Blvd		
TRACT 7	807, 811, 813, 815, 817, 903, 905, 907, 909, & 911 McPhaul	LI	CS-NP
	Street, 822 N. Meadows Drive, 10508 & 10520 N. Lamar		1
	Blvd.		
	10603 Newmont Road	SF-2	
TRACT 8	1004 S. Meadows Drive	SF-2	CS-NP
	10500 Newmont Road	LI	
TRACT 10	831, 837, 841, 849, 901, 903, 905, 907, 909, 911, 913, &	LI	CS-NP
	1001 Sagebrush Drive, 915 S. Meadows Drive, 10410 N.		1
	Lamar Blvd.		İ
diam'r.	1003 & 1005 S. Meadows Drive	SF-2	
TRACT 11	1236 Mearns Meadow Blvd	LR	MF-2- NP
TRACT 12	810 Ken Street	SF-3	LO-NP
TRACT 13	10000 N. Lamar Blvd.	MF-2/LO	GR-NP
TRACT 15	8830 N. Lamar Blvd.	CS/SF-3	P-NP
TRACT 17	8600 N. Lamar Blvd.	CS CS	GR-NP
TRACT 17	0 Thurmond Street (ABS 789 SUR 57, WALLACE J P)	CS	GR-NP
TRACT 19	0 Metric Blvd (LOT 2 BLK A, BUTLER SUBDIVISION),	MF-3	LI-CO-
INNOT 13	0 Rutland Drive (LOT 3 BLK A, BUTLER SUBDIVISION)	144-3	NP
TRACT 20	1647, 1711, & 1727 Rutland Drive	LR	MF-2-
INACI 20	1 10-77, 1711, 00 1727 Rudana Dilve		NP NP
TRACT 21	1611 Payton Gin Road	LO/GR	MF-2-
INTO L			NP
TRACT 22	1413 Clearfield Drive	GR	MF-2-
11/mc 1 22	1713 CICALITERS DITAG		NP

TRACT 23	8301 Research Blvd.	SF-3	CS-NP
TRACT 24	8237 Research Blvd.	SF-3/CS-1	CS-NP

PART 3. Tracts 13, 14, 16, 17, and 18 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

PART 4. Tracts 11 and 20 may be developed as a residential infill special use as set forth in Sections 25-2-1532 through 25-2-1534.

PART 5. The Property within the boundaries of the conditional overlay combining districts established by this ordinance is subject to the following conditions:

A 25-foot wide vegetative buffer shall be provided and maintained along the south property line of Tract 19. Improvements permitted 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 respective base districts and other applicable requirements of the City Code.

PART 6. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 7. This ordinance takes effect on June 4, 2001.

PASSED AND APPROVED

May 24 , 2001

Kirk Watson

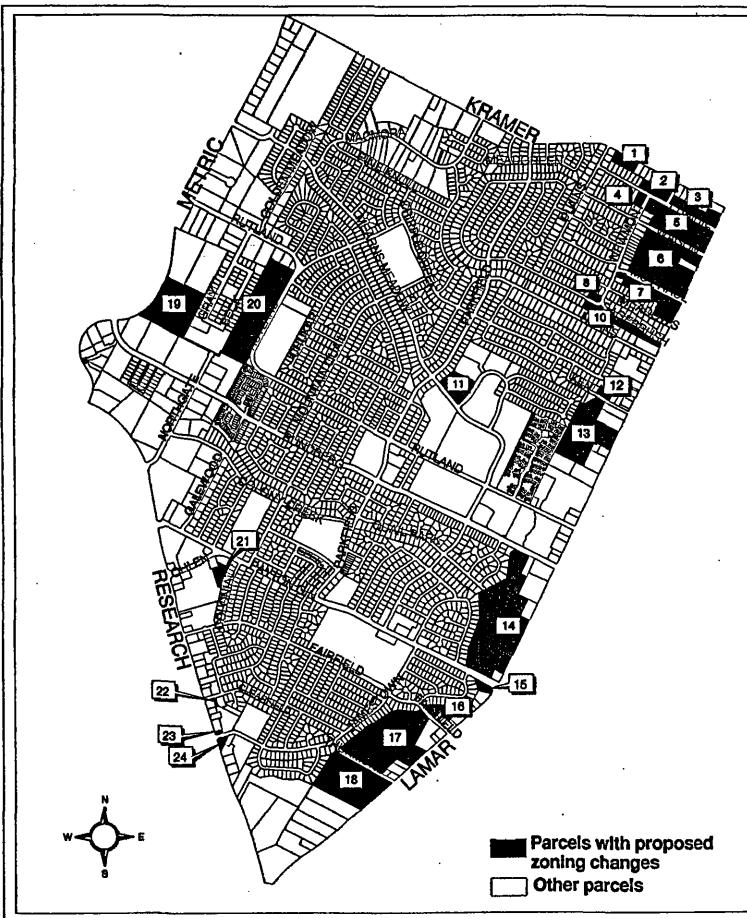
Mayor

APPROVED: Wellew Martin ATTEST

Andrew Martin
City Attorney

Shirley A. Brown

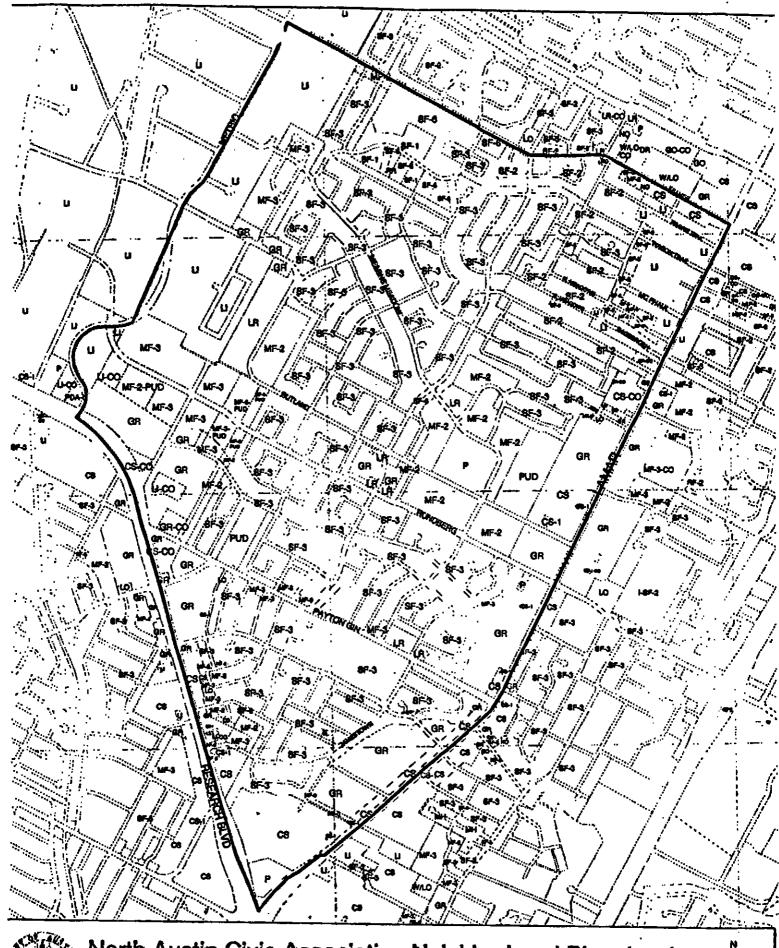
City Clerk





North Austin Civic Association Planning Area Proposed Zoning Changes
Case # C14-01-0037 EXMIBIT A







North Austin Civic Association Neighborhood Planning Area

Existing Zoning Map

EXHIBIT B- Pagez

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.cf.austin.tx.us/development

7828 #SFIN, OX AVIS ARLENE COLLINS KOCER DE TODIECT 70-61-4 Maka comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your ROND BERG IN If you use this form to comment, it may be returned to: wine in the neighborn Neighborhood Planning and Zoning Department do not need to lesion in Your address(es) affected by this application westell Contact: Jorge RouSclin, (512) 974-2975 Com Kope or we do next April 25, 2006 Planning Commission Signature Case Number: C14-06-0025 309-A1B Austin, TX 78767-8810 Your Name (please print) listed on the notice. Jorge Rousselin Public Hearing: P. O. Box 1088 City of Austin Comments