

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

AGENDA



Thursday, June 8, 2006

 + Back

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

ITEM 98 PH

Subject: C14-06-0062 - Malicoat - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4315 Gillis Street (Williamson Creek Watershed) from family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use conditional overlay (LO-MU-CO) combining district zoning. Applicant: Estate of Daphne Malicoat (Barbara Troxell). City Staff: Wendy Walsh, 974-7719.

Additional Backup Material

(click to open)

 **Staff Report**

For More Information:

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0062

Z.P.C. DATE: May 16, 2006

ADDRESS: 4315 Gillis Street

OWNER: Estate of Daphne Malicoat
(Barbara Troxell)

ZONING FROM: SF-3

TO: GR-MU

AREA: 0.270 acres
(11,761.20 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited office – mixed use (LO-MU) combining district zoning.

ZONING & PLATTING COMMISSION RECOMMENDATION:

May 16, 2006: APPROVED LO-MU-CO DISTRICT ZONING WITH THE CO TO PROHIBIT MEDICAL OFFICE USES; BY CONSENT.

[J. MARTINEZ; J. PINNELLI – 2ND] (8-0) J. GOHIL – ABSENT

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

The Applicant has discussed this case with the Southwood Neighborhood Association.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a portion of a platted lot, contains one single family residence and is zoned family residence (SF-3). The property has access to Gillis Street, a local roadway. The area between Ben White Boulevard and Casey Street contains a mixture of commercial, civic and residential uses. This rezoning area is situated between an auto repair use (SF-3) and one single family residence and undeveloped land (MF-2) and directly east, there is a church and undeveloped land. Please refer to Exhibit A (Zoning Map) and A-2 (Aerial).

The Applicant has requested community commercial – mixed use (GR-MU) combining district zoning, however, after discussing the case with Staff, is in agreement with a Staff recommendation for limited office – mixed use (LO-MU) zoning. Staff recommends LO-MU district zoning as it provides for a re-use of the existing residence to occur, serves as a transition between the commercial uses to the north and residential uses to the south, and is compatible with the surrounding uses and zonings.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single family residence
<i>North</i>	SF-3; GR	Auto repair; Restaurant and parking area; Tire sales
<i>South</i>	MF-2; LO; SF-6; SF-3	Single family residences; Undeveloped
<i>East</i>	SF-3; GR; CS; LO	Church; Undeveloped; Professional / Medical offices
<i>West</i>	GR; SF-3	Dry cleaners; Church; Apartments; Indoor entertainment; Shopping center; Single family residences; Duplexes

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association

428 – Barton Springs / Edwards Aquifer Conservation District

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowner's Association

742 – Austin Independent School District

950 – Southwood Neighborhood Association

SCHOOLS:

Joslin Elementary School

Covington / Porter Middle Schools

Crockett High School

CASE HISTORIES:

There are no recent case histories in the vicinity of the rezoning application.

RELATED CASES:

The property is platted as the north 55 feet of Lot 11, Block 2, Banister Acres, a subdivision recorded in July 1943. Please refer to Exhibit B.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Gillis Street	50 feet	30 feet	Local	No	No	No

CITY COUNCIL DATE: June 8, 2006**ACTION:**

ORDINANCE READINGS: 1st

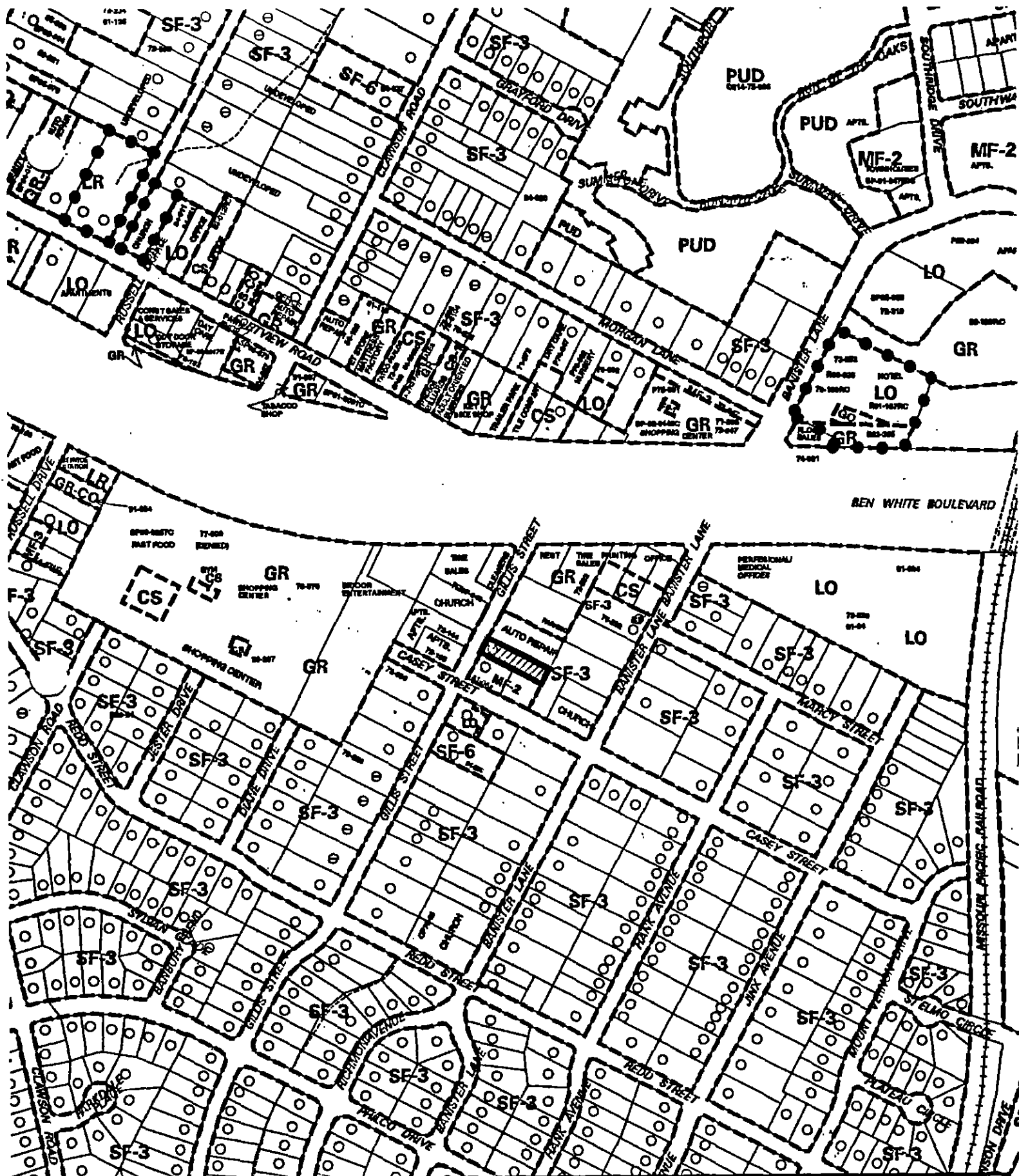
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: W.WALSH

CASE #: C14-06-0062
 ADDRESS: 4315 GILLIS ST
 SUBJECT AREA (acres): 0.270

ZONING Exhibit A
 DATE: 06-05
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 G18

1"=400'

W. BEN WHITE BLVD.

W. BEN WHITE BLVD.

W. BEN WHITE BLVD.

W. BEN WHITE BLVD.

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80-207 GR

2

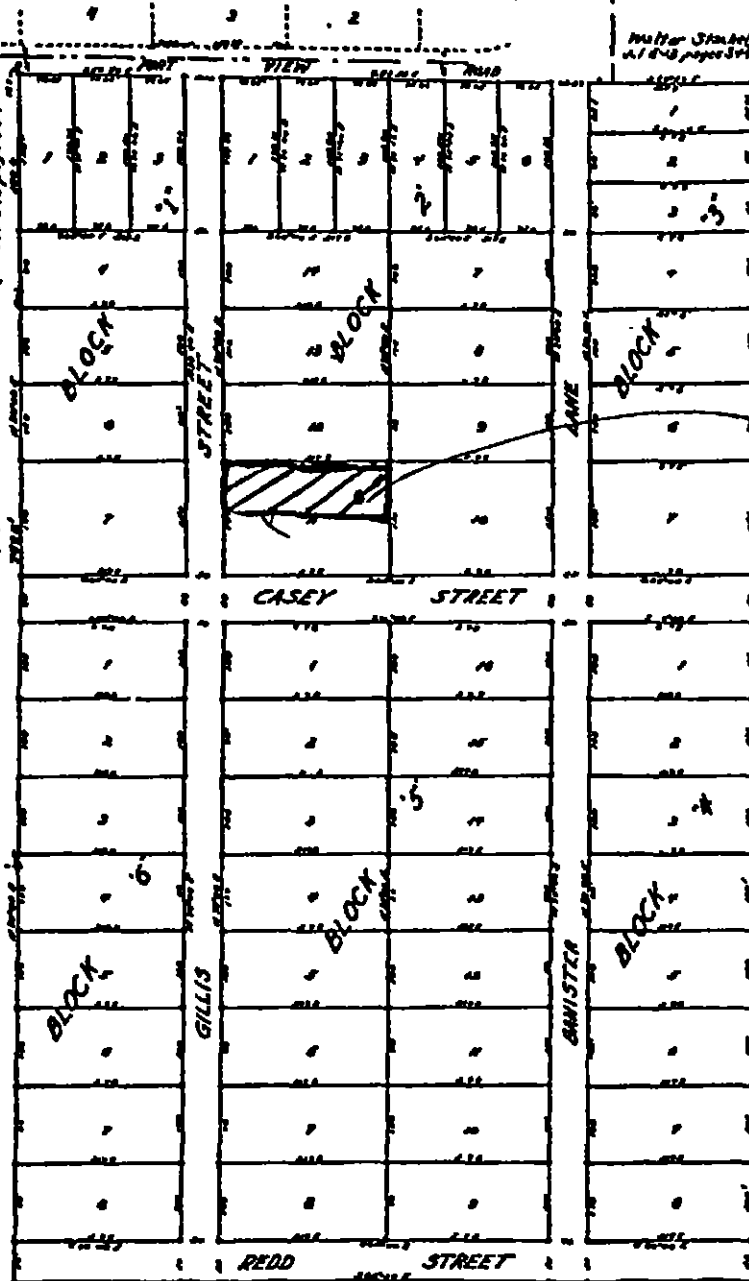
80-207 GR

BANISTER ACRES

BANISTER HEIGHTS
Not Book 3 page 256

BANISTER LANE

Walter Stachely
A. 1 & 2 pages 344 & 345



STATE OF TEXAS
COUNTY OF TRAVIS
Know all men by these presents
That I, Walter Stachely, do hereby
adopt this map as my subdivision which shall be known
as BANISTER ACRES, being a part of the One hundred
four (100) acres out of the 1,000 Acres Survey, Travis
County, Texas, as described in Volume 4 of the
County Records of Travis County, Texas, and
I do hereby dedicate and set apart for public use
as streets the streets shown thereon as far as my
interest may appear

Witness my Hand this 7 day of July, A.D. 1943
Walter Stachely
Notary Public

STATE OF TEXAS
COUNTY OF TRAVIS
Before Me, the undersigned, a Notary
Public in and for said County and State,
on this day personally appeared Walter Stachely known
to me to be the person whose name is subscribed to the
 foregoing instrument, and acknowledged to me that he
 executed the same for the purposes and consideration
 therein expressed
 Given under My Hand and Seal of Office this 17th
 day of June, A.D. 1943

Notary Public in and for Travis County, Texas
(Signature)

REMARKS
In Record of five (5) feet on the back side of all lots
on the West side of lot 1, block 1, on the North side of lot 1,
block 1, on the East side of lot 1, block 1, on the West side
of lot 1, block 1, on the North side of lot 1, block 1,
on the South side of lot 1, block 1, and on the North side
of lot 1, block 1, Banister Acres, as recorded in the
County Records of Travis County, Texas.

Sub 1-100 Surveyed in May 1943 by C. Stachely
A. 1 & 2 pages 344 & 345

APPROVED BY CITY PLAN COMMISSION
Date 7-9-43 J. F. Lueders
Date 7-9-43 B. J. Rupert
Date 7-9-43 Ramsey
Date 7-9-43 W. C. Chas. Ray

APPROVED FOR ACCEPTANCE
Date 7-2-43 J. F. Lueders
Notary Public in and for Travis County, Texas

STATE OF TEXAS
COUNTY OF TRAVIS
I, M. S. Embury, Clerk of the County
Court in and for the County and State of Texas, do hereby
certify that the within and foregoing is a true and correct
copy of the original of the same as filed for record in
my office on the 7 day of July, A.D. 1943, at 10 o'clock
P.M. and duly registered on the 17 day of July, A.D. 1943
of A.D. 1943 in the Public Records of said County
in Book No. 4, page 178.

Witness my Hand and Seal of the County Court
of said County the date last above written
M. S. Embury
Clerk of the County Court, Travis County, Texas

FILED FOR RECORD
Date 7-2-43 J. F. Lueders
Notary Public in and for Travis County, Texas

EXHIBIT B

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited office – mixed use (LO-MU) combining district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The community commercial (GR) district is intended for an office or other commercial use that serves neighborhood and community needs and is generally accessible from major traffic ways.

Limited office (LO) zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

This property is accessible from Gillis Street, a local roadway, and is in proximity to other office, civic and residential uses.

- 2. Zoning changes should promote compatibility with adjacent and nearby uses.*

LO-MU district zoning provides for a re-use of the existing residence to occur, serves as a transition between the commercial uses to the north and residential uses to the south, and is compatible with the surrounding uses and zonings.

EXISTING CONDITIONS**Site Characteristics**

The site contains one single family residence. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80% which is based on the more restrictive watershed regulations as shown in the table below. The maximum impervious cover allowed by the LO zoning district would be 70% which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

If the requested GR zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Gillis Street in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12. However, under LO district zoning, the maximum trip generation would be so low that additional right-of-way would not be required at this time.

The trip generation under the requested zoning is estimated to be 1,687 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]

Water and Wastewater

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 adjustments, or utility 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 of Austin design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

Compatibility Standards

The site is subject to compatibility standards. Along the north and east property lines, 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.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 4315 GILLIS STREET FROM FAMILY RESIDENCE
3 (SF-3) DISTRICT TO LIMITED OFFICE-MIXED USE-CONDITIONAL
4 OVERLAY (LO-MU-CO) COMBINING DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from family residence (SF-3) district to limited office-mixed use-
10 conditional overlay (LO-MU-CO) combining district on the property described in Zoning
11 Case No. C14-06-0062, on file at the Neighborhood Planning and Zoning Department, as
12 follows:

13
14 The north 55 feet of Lot 11, Block 2, Banister Acres Subdivision, a subdivision in
15 the City of Austin, Travis County, Texas, according to the map or plat of record in
16 Plat Book 4, Page 178, of the Plat Records of Travis County, Texas (the
"Property"),

17
18 locally known as 4315 Gillis Street, in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "A".
20

21
22 PART 2. The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:

24
25 The following uses are prohibited uses of the Property:

26
27 Medical offices (exceeding 5000 sq. ft. of gross floor area)

28 Medical offices (not exceeding 5000 sq. ft. of gross floor area)

29
30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the limited office (LO) base district
32 and other applicable requirements of the City Code.
33
34
35

PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

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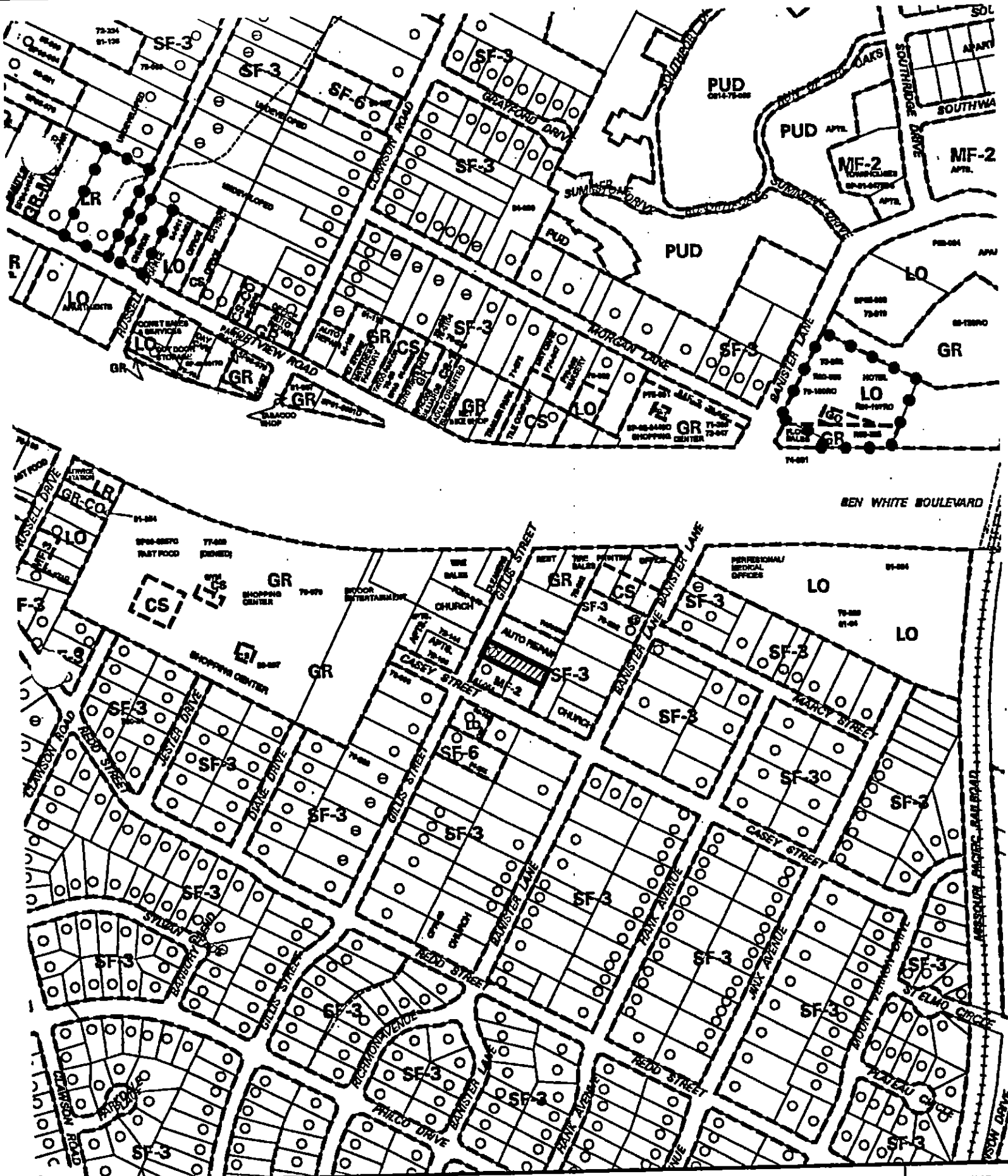
Will Wynn
Mayor

APPROVED: _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: W.WALSH



CASE #: C14-06-0062
ADDRESS: 4315 GILLIS ST
SUBJECT AREA (acres): 0.270

ZONING EXHIBIT A

DATE: 06-05
INTLS: SM

CITY GRID
REFERENCE
NUMBER
G18