

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

AGENDA



Thursday, June 22, 2006

#118PH

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

Subject: C14-06-0082 - Kurachi Paint and Body - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6605 Regiene Road (Carson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Planning Commission Recommendation: To deny limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Applicant and Agent: George Kurachi. City Staff: Robert Heil, 974-2330.

Additional Backup Material

(click to open)

[Staff Report](#)**For More Information:**

ZONING CHANGE REVIEW SHEET**CASE:** C14-06-0082 – Kurachi Body and Paint**PC. DATE:** May 9, 2006**ADDRESS:** 6605 Regiene Road**OWNER/AGENT:** George Kurachi**ZONING REQUEST:** From SF-2-NP to LI-CO-NP**SUMMARY STAFF RECOMMENDATION:**

Staff recommends limited industrial – conditional overlay – neighborhood plan (LI-CO-NP) combing district zoning for the tract. The conditional overlay would limit daily vehicle trips to no more than 2000 per day.

PLANNING COMMISSION RECOMMENDATION:

May 9, 2006: DENIED STAFF'S RECOMMENDATION FOR LI-CO-NP DISTRICT ZONING. [M.DEALEY, G.STEGEMAN 2ND] (7-0) K.JACKSON – LEFT EARLY

DEPARTMENT COMMENTS:

The site zoned single family residence – neighborhood plan (SF-2-NP) and is currently used as an ad-hoc paint and body shop. The storage of vehicles is not permitted on the site, and the owner has been cited by APD for violations of the allowed uses in SF-2-NP zoning.

The request is for limited industrial – conditional overlay – neighborhood plan (LI-CO-NP) combing district zoning for the tract. The conditional overlay would limit daily vehicle trips to no more than 2000 per day.

The neighborhood plan designates industrial use on the site and the surrounding properties. There are single family homes on Regeine Road, some on land zoned SF-2-NP and some on land zoned LI-NP.

At the time of the neighborhood plan rezonings the single family zoning in the area was not changed to match the Future Land Use map, at the request of some of the stakeholders.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP	Paint and Body Shop
<i>North</i>	SF-2-NP and LI-NP	Single Family homes and undeveloped
<i>South</i>	LI-NP	Undeveloped
<i>East</i>	LI-NP	Single Family homes and undeveloped
<i>West</i>	SF-2-NP	Undeveloped

AREA STUDY: The site falls within the adopted East MLK neighborhood plan, which calls for industrial use on the site. The proposed zoning would bring the zoning in compliance with the adopted neighborhood plan.

TIA: Not Required

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Del Valle Neighborhood Association
- East MLK Neighborhood Planning Contact Team
- Austin Neighborhoods Council (511)

SCHOOLS: (AISD)

- Norman Elementary School
- Dobie Middle School
- LBJ High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Regiene Rd	60'	20	Local	No	No	No

CITY COUNCIL DATE: **ACTION:**

June 8, 2006:

Postponed to June 22.

June 22, 2006:

ORDINANCE READINGS:

1st:

2nd

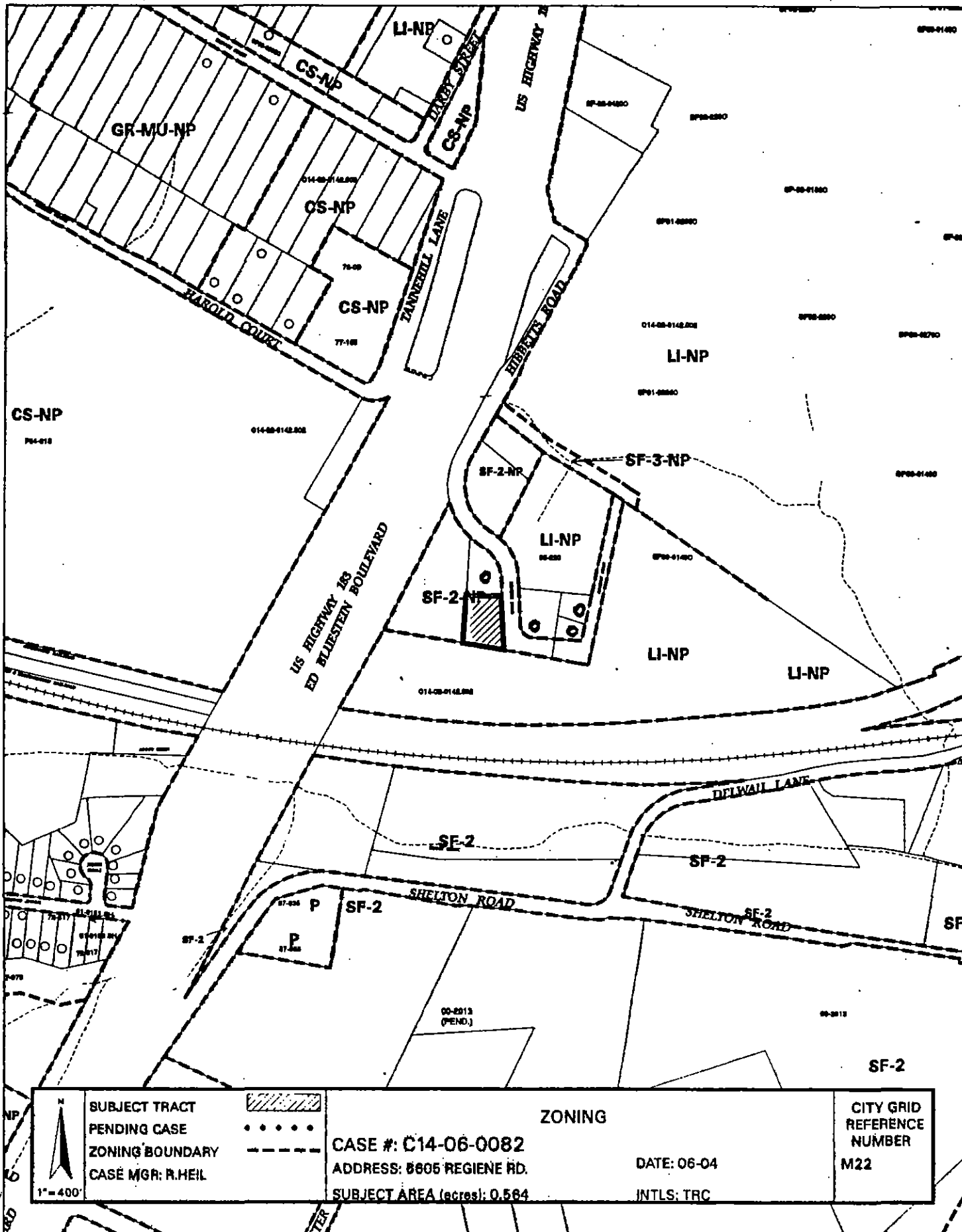
3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil

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

PHONE: 974-2330



 1" = 400'	SUBJECT TRACT		ZONING		CITY GRID REFERENCE NUMBER M22
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-06-0082	DATE: 06-04	
	CASE MGR: R. HEIL		ADDRESS: 8805 REGIENE RD.	INTLS: TRC	
			SUBJECT AREA (acres): 0.564		

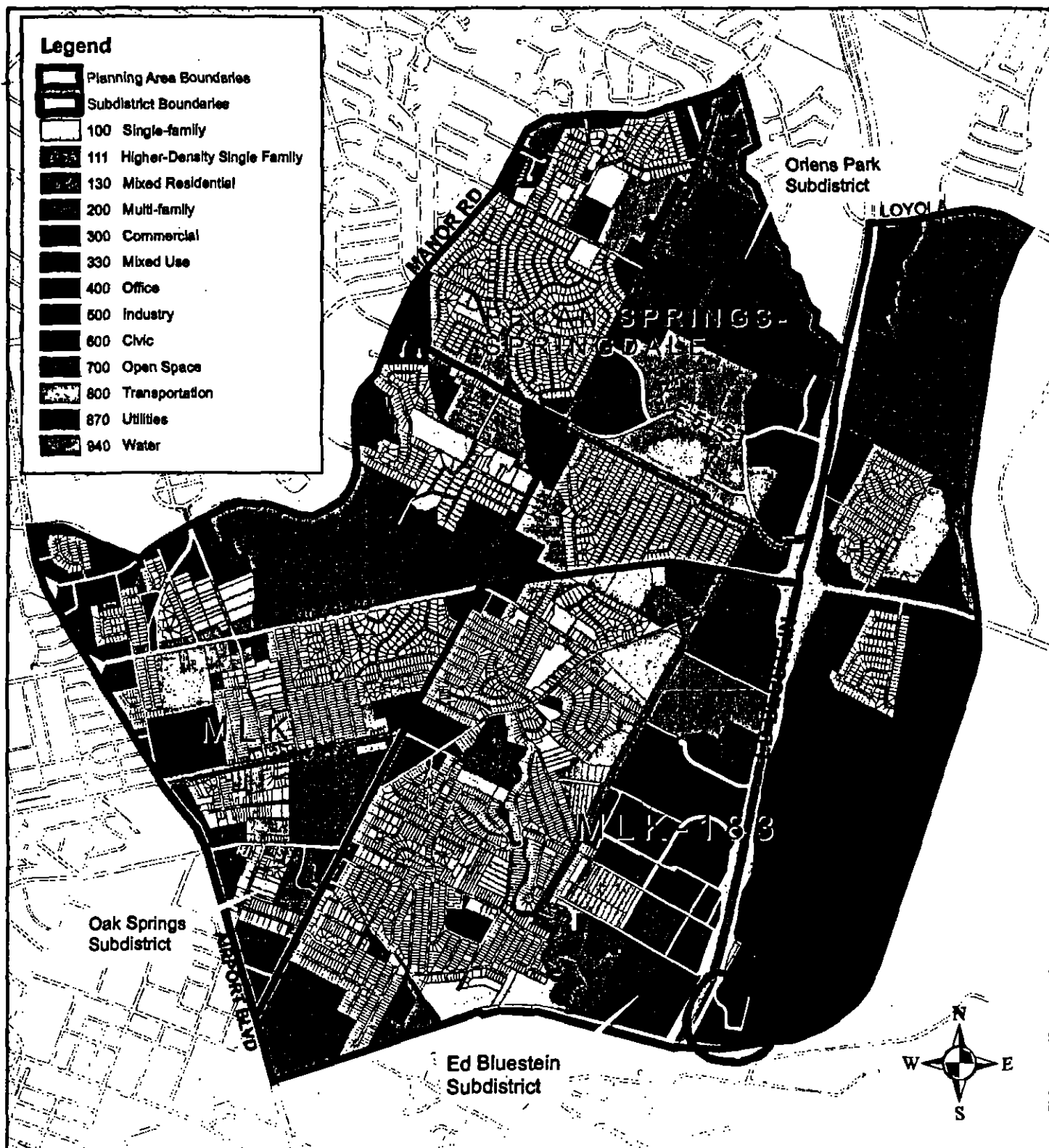
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REGIENBRO

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RECEIVED

ED B. BRESKIN BEND
BEND



East MLK Combined Neighborhood Planning Area Future Land Use Map

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

Updates may occur past the date of this map. Please verify with the COA.

SUMMARY STAFF RECOMMENDATION**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should support adopted neighborhood plans.*

The site falls within the adopted East MLK neighborhood plan, which calls for industrial use on the site. The proposed zoning would bring the zoning in compliance with the adopted neighborhood plan.

EXISTING CONDITIONS

The site zoned single family residence – neighborhood plan (SF-2-NP) and is currently used as an ad-hoc paint and body shop. The storage of vehicles is not permitted on the site, and the owner has been cited by APD for violations of the allowed uses in SF-2-NP zoning.

The neighborhood plan designates industrial use on the site and the surrounding properties. There is a single family house on SF-2 zoned land immediately to the north of the property. Across Regeine Road there are three more houses, these on LI-NP zoned land.

Environmental

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

Transportation

Additional right-of-way will be required for this site at the time of subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 2,727 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 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 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Regiene Rd	60'	20	Local	No	No	No

Water and Wastewater

Currently, there is no City of Austin wastewater main at the site. The landowner intends to serve the site with an onsite septic system. The onsite septic system plan must be reviewed and approved by the Austin Water Utility.

There is an existing City water main at the site. However, the existing City water main may not have sufficient capacity for the land use and an offsite main extension and system upgrades may be required. The landowner, at own expense, will be responsible for providing the water utility improvements, offsite main extension, system upgrades, utility relocation, and adjustments.

The water 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 utility construction must be inspected by the City. The landowner must pay all applicable and associated City fees.

Site Plan

No comments on site plan issues.

City of Austin
Neighborhood Planning & Zoning Dept.

Public Hearing
May 9, 2006

Attn: Mr. Robert Heil

Re: Case # C-14-06-0082

Subject: Rezoning of 6605 Regiene Rd.

* My husband and I strongly object to rezoning.
as we are the owners of 6600, 6603, 6702, 6704, 6706.

Reasons for objection:

- ① All our properties are very close to 6605.
All are single family homes with the exception
of 6600 which is undeveloped. All have been
owned by the Regiene family since the early 1940's
6705 is also a residence - not owned by us.
- ② Mr. Kurachi's property, 6605, has been continually
in violation to Code Compliance. Complaints were
made to Solid Waste Services and Code Compliance.
He has used it as a trash dump and "wrecking
yard", encroached on the power line easement
owned by City Electric and parked a junked
boat and old truck on property immediately
behind (to west) of 6605.
- ③ Mr. Kurachi's zoning request is not in keeping
with the present residential neighborhood
status. His present use of 6605 has
already brought undesirable traffic
and sense of insecurity to our homes.
Property was stolen from his property

- 19. Rezoning:** C14-06-0080 - San Jose Lofts
Location: 108 Gibson, East Bouldin Creek Watershed, Bouldin Creek NPA
Owner/Applicant: Southside Church of Christ (Josue Villa)
Agent: Armbrust & Brown (Amanda Morrow)
Request: MF-4-NP to CS-MU-CO-NP
Staff Rec.: Recommended
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

~~POSTPONED TO 05/23/06 (STAFF)~~

~~[J.REDDY, K.JACKSON 2ND] (8-0)~~

- 20. Rezoning:** C14-06-0082 - Kurachi Paint and Body
Location: 6605 Regiene Road, Carson Creek Watershed, MLK-183 NPA
Owner/Applicant: George Kurachi
Agent: George Kurachi
Request: SF-2-NP to LI-CO-NP
Staff Rec.: Recommended
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

DENIED STAFF'S RECOMMENDATION FOR LI-CO-NP DISTRICT ZONING.
[M.DEALEY, G.STEGEMAN 2ND] (7-0) K.JACKSON – LEFT EARLY

SUMMARY

Robert Heil, staff, gave staff presentation to the commission. The CO would be to limit the daily vehicle trips to no more than 2,000 per day. This site is currently zoned single-family residence (SF-2) and the intent is to use it as a paint and body shop; it's currently being used as vehicle storage. The request is for limited industrial conditional overlay neighborhood plan. The main justification for the staff recommendation for the approval of the zoning request, is the East MLK Combined Neighborhood Plan. This is in the MLK Neighborhood Planning Area which was adopted in November 2002. The Plan in the area calls for industrial uses; there are still single-family residences in the area and on this street and these are, in some cases, on LI zoned land and there's undeveloped land that's single-family, so there's a difficult mix on this street. The main justification for staff's recommendation was that this neighborhood went through a neighborhood plan and they came up with this Future Land Use Map and that condition had not changed that we could see, where we would recommend against the adopted neighborhood plan.

Commissioner Stegeman – I just want clarification and to be clear, you said that it is zoned industrial, but there are homes there and kept it SF-2?

Mr. Heil – When a neighborhood plan is adopted they zone to match the future land use map, in this case, that would have entailed, taking single-family uses and zoning them industrial. I was not part of the plan, do frankly as to why that was not done; the thought was that it would displace the existing single-family homeowners.

George Kurachi, applicant – I would like to have my property changed from single-family to industrial, the reason for my request is that I have old vehicles that I have stored behind an 8-foot metal fence. I was told that I would need to get a zoning change or dispose the vehicles.

FAVOR

No speakers.

OPPOSITION

Dorothy Regeine – Spoke in opposition. My family has been there since the 1940's and plan to continue to live there under those same conditions. I think you can already see why I'm here and what the problem is with this location. I've been working with Code Compliance and Solid Waste Services with no results. I strongly suggest that you not grant this rezoning. The comment was made that it was primarily light industrial zoning and that was done as part of a big picture; and not as an invitation to small individuals who cannot stay in compliance with the codes that are pertaining to those properties. I have strong objections to a paint and body shop, because it's so close to residences and would be an environmentally unsound decision.

Commissioner Reddy – Where is your house in relation to this property?

Mrs. Regeine – My house is across the street from his property; and one of my rental houses is immediately adjacent to it; other houses are also in close proximity.

Commissioner Sullivan – What's the zoning there where the residences are, right now?

Mr. Heil – The single-family house north to this property is zoned SF-2; at the intersection that's also zoned single-family; the cluster of single-family houses across the road from the subject property are zoned LI.

Mrs. Regeine – I'm sorry, it is not zoned LI.

Mr. Heil – I'm doing that based on the records that the City has; and we can double check if those are in error, but that's the information that I have.

Mrs. Regeine – That is not what was presented to us at the Planning Commission meeting at that time in 2002. Our homes are not industrial; the property surrounding us is zoned light industrial.

Mr. Heil – Then that is something that I will have to check.

Commissioner Riley – Our maps seem to indicate that your land is zoned LI-NP in 1985.

Mrs. Regeine – I think that's when it occurred and was a mistake.

Commissioner Riley – If there's an interest in keeping residential in this area, then how come the neighborhood plan didn't reflect that? Were you involved in the neighborhood plan?

Mrs. Regeine – Yes I was involved and I was interested in keeping single-family here.

Commissioner Riley – I'm just having trouble understanding why the neighborhood plan calls for industrial there, if the neighborhood wanted single-family to stay.

Mrs. Regeine – The expectation was that we could continue as we were; I did not know that it had been zoned light industrial back in '85.

Commissioner Riley – When a plan calls for a particular zoning and someone comes and wants to develop something that complies with that use, then typically we would grant the rezoning to allow for that use. That's the difficulty that I have with this case because it is consistent with the neighborhood plan.

Mrs. Regeine – It will be a mistake to allow Mr. Kurachi his rezoning, because he's going to use it as a junk yard. I've been trying to work with the City for a long time regarding Mr. Kurachi's property, but haven't had any results. Please do not allow this rezoning on 6605.

Commissioner Riley – Is your long term vision for this area to be residential or industrial or both?

Mrs. Regeine – I don't know, developers aren't knocking down our door; if it's going to be light industrial, someone would be interested, but that has not been the case.

Mrs. Regeine – We have no reason to want to leave there; because it's an ideal place to live.

Commissioner Riley – It just leaves me puzzled as to why the neighborhood plan calls for industrial uses for that area.

Pennie Nixon – Spoke in opposition. Please do not rezone this property.

REBUTAL

Mr. Kurachi – I've had this body shop for 20-years with no complaints; when I placed the vehicles on this property that is when the neighbors started to complain. I want to keep my vehicles, which is why I am requesting LI zoning.

Commissioner Dealey and Galindo moved to close the public hearing.

Commissioner Dealey – I move to deny the zoning request.

Commissioner Stegeman – Second.

Commissioner Dealey – I think there is a misunderstanding as to what the zoning is for that area; I think at some point during the zoning process there was a miscommunication.

Commissioner Stegeman – Under these circumstances I just want to protect the neighborhood's interests.

Commissioner Riley – I still have some difficulty because I'm looking at what the neighborhood plan is calling for; doesn't this give anyone a concern that we're talking about a rezoning that's consistent with the neighborhood plan?

Commissioner Sullivan – Yes, but a future land use map does not mean right now.

There was further discussion regarding the neighborhood plan.

Commissioner Riley – I would suggest to the residences in that area, if there's an interest in keeping that area residential, then I would encourage them to consider revisiting the neighborhood plan and consider an amendment to the plan.

Motion carried. (7-0)

DISCUSSION AND ACTION ON SITE PLANS

21. Conditional Use SPC-05-0031C - Parking Facility 5th & Brazos
Site Plan:
Location: 501 Brazos Street, Waller Creek Watershed, Downtown Neighborhood
 Coalition NPA
Owner/Applicant: Walton Stacy Office Partners IV, LP
Agent: Bury & Partner, Inc. (Christopher Randazzo)
Request: Approval of Conditional Use Site Plan
Staff Rec.: **Recommended**
Staff: Betty Torres, 974-9795, betty.torres@ci.austin.tx.us
 Watershed Protection and Development Review Department

POSTPONED TO 05/16/06 (PC)
[J.REDDY, G.STEGEMAN 2ND] (8-0)

***PUBLIC HEARING REMAINED OPEN.**

***MEETING WILL BE HELD AT TOWN LAKE CENTER (AUSTIN ENERGY) AT 6:30 P.M.**