



Thursday, November 02, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 49**

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**Subject:** C14-06-0176 - West End Pilates - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 504 Oakland Avenue (Town Lake Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Applicant and Agent: Edward and Elizabeth Blumenfeld City Staff: Jorge E. Rousselin, 974-2975

**Additional Backup Material**

(click to open)

- ☐ **Staff Report**
- ☐ **Ordinance**

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

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**ZONING REVIEW SHEET****CASE:** C14-06-0176**P. C. DATE:** September 26, 2006**ADDRESS:** 504 Oakland Avenue**OWNER / AGENT:** Edward and Elizabeth Blumenfield**REZONING FROM:**

MF-4-NP (Multi-family residence – moderate high density – neighborhood plan)

**TO:** GR-MU-CO-NP (Community Commercial-mixed use-conditional overlay- neighborhood plan) combining district**AREA:** 0.156 Acres (6,795.36 square feet)**SUMMARY PLANNING COMMISSION RECOMMENDATION:***September 26, 2006***APPROVED STAFF'S RECOMMENDATION FOR LO-MU-NP ZONING; BY CONSENT.****[S.KIRK, C.RILEY 2<sup>ND</sup>] (7-0) G.STEGEMAN, J.REDDY – ABSENT****SUMMARY STAFF RECOMMENDATION:**

Staff offers an alternate recommendation of LO-MU-NP (Limited office – mixed use— neighborhood plan) combining district zoning. The recommended recommendation is based on the following considerations:

- 1.) The land uses under the alternate Staff recommendation are compatible with existing office and commercial uses along Oakland Avenue,
- 2.) The alternate Staff recommendation will diversify the use of the property by retaining a residential option, and
- 3.) The proposed land uses under the alternate Staff recommendation will not infringe on the residential character of the established land uses along Oakland Avenue.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of a 0.156 acre (6,795.36 square feet) site zoned MF-4-NP fronting Oakland Avenue and located within the *South of 6<sup>th</sup> Street District* as defined on page 26 of the Old West Austin Neighborhood Plan ("OWA Plan"). The site is currently developed with a vacant single-family residence. The subject property was rezoned from MF-4 to MF-4-NP under Ordinance No 020926-26 enacting the Old West Austin Neighborhood Plan Area. The applicant proposes to rezone the site to GR-MU-CO-NP for the operation of a Pilates Studio and a rental unit on the second floor. The applicant offers the following conditions:

- Limiting the total square footage developed on the property to 2500 square feet,
- The height of the structure will not exceed 40 feet,
- The uses allowed under General Retail shall be limited with the exception of Personal Improvement Services, and
- Provision of 8 parking spaces

On Page 25 of the OWA Plan the following is addressed:

- *In the area South of 6<sup>th</sup> Street (all lots south of the center line of 6<sup>th</sup> Street)*

*On the south side of 6th Street, for the lots fronting on 6th, no zoning changes to a more permissive base district should be permitted. Rezoning that do not change the base district but add mixed use capability should be permitted, if the existing building and character are maintained. Preservation of existing single-house structures is strongly encouraged.*

This site is located in the proposed National Registered West Lynn Historic District. For any new development/construction, the City Historic Preservation Officer will review all proposed building changes, demolitions and relocations prior to site plan approval. Furthermore, this site also lies within the MoPac Bridge Capitol View Corridor.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-4-NP	Vacant single-family residence
<i>North</i>	LO-NP	Offices
<i>South</i>	CS-MU-CO-NP	Day Care
<i>East</i>	LO-NP	Hair Studio / Office
<i>West</i>	CS-MU-CO-NP	Condominiums

**NEIGHBORHOOD PLAN AREA:**

Old West Austin

**TIA:** Waived (See Transportation comments)

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** Yes

**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  
 786--Home Builders Association of Greater Austin  
 998--West End Austin Alliance

**SCHOOLS:**

Austin Independent School District

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

**RELATED CASES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
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-	08/29/02 APVD ON 1 <sup>ST</sup> 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-

		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	P, 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 (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
C14-95-0153	MF-6-CO to GR-CO	11/28/1995 APVD STAFF ALT REC OF GR-CO (7-0-1)	01/04/1996. APVD GR-CO SUBJ TO CONDS; (5-0) 1ST RDG  02/01/1996 APVD GR-CO SUBJ TO CONDS, (5-0) 2ND RDG  02/15/1996. APVD GR-CO SUBJ TO CONDS (7-0); 3RD RDG
C14-98-0066	MF-4 to GO	06/16/1998 APVD STAFF REC OF GO BY CONSENT (9-0)	07/16/1998 APVD PC REC OF GO (6-0) ALL 3 RDGS
C14-05-0038	LI-CO-NP to LI-PDA-NP	06/14/2005 APVD STAFF REC OF LI-PDA-NP BY CONSENT (6-0)	06/23/2005 APVD LI-PDA (7-0), ALL 3 RDGS

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route
Oakland Avenue	46'	30'	Collector	Yes	No

**CITY COUNCIL DATE:**

November 2, 2006

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

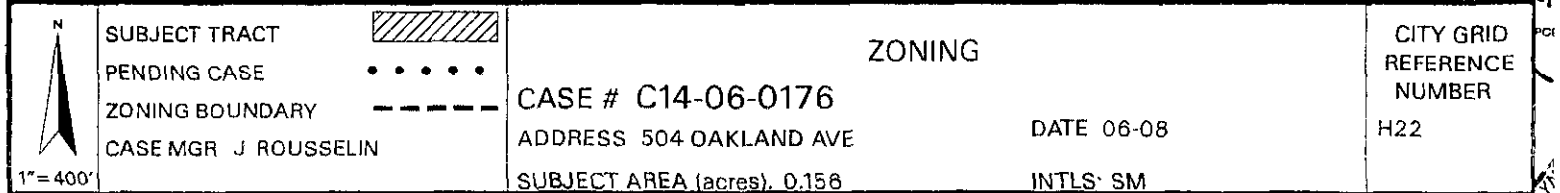
3<sup>rd</sup>

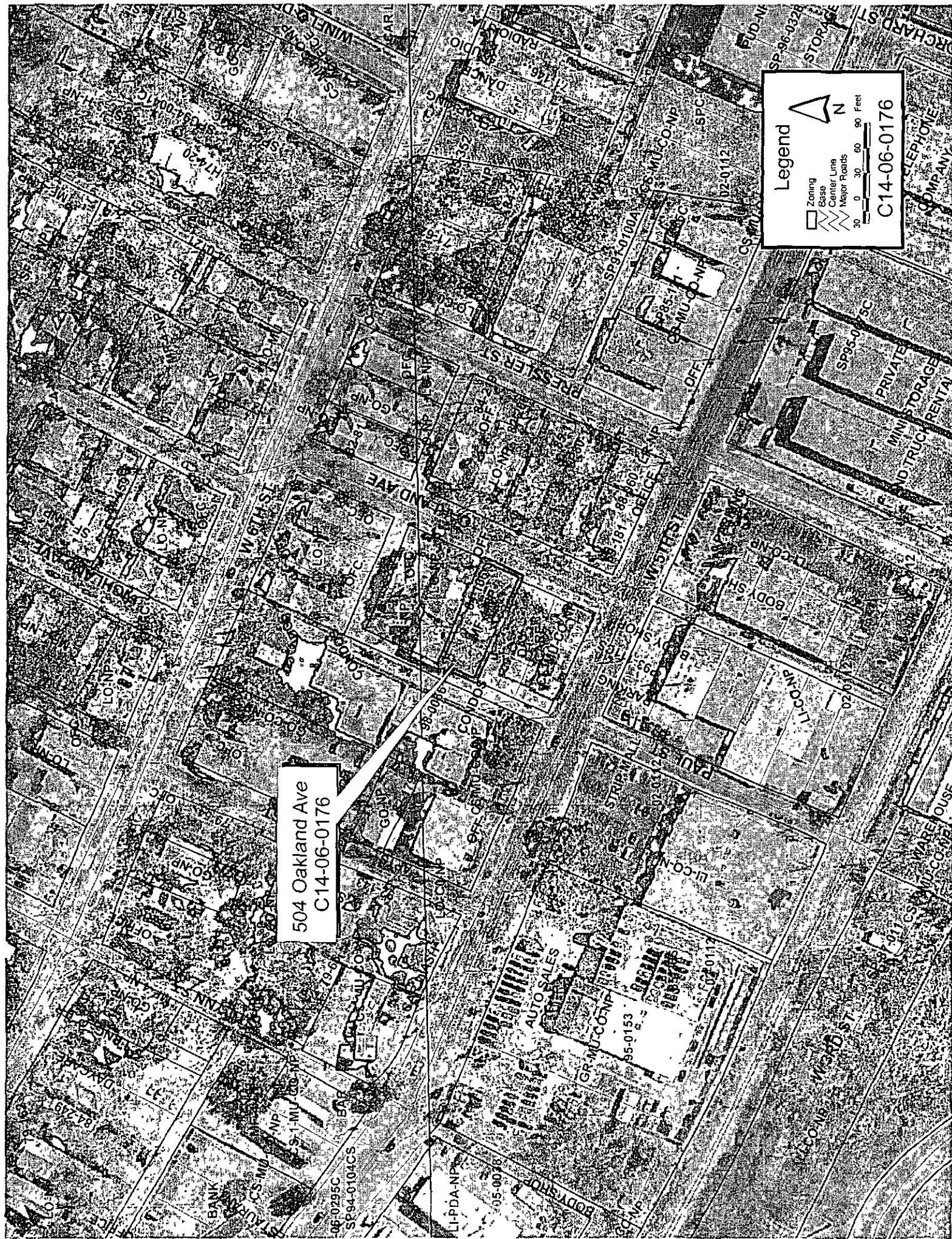
**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)





## STAFF RECOMMENDATION

Staff offers an alternate recommendation of LO-MU-NP (Limited office – mixed use— neighborhood plan) combining district zoning. The recommended recommendation is based on the following considerations:

- 1.) The land uses under the alternate Staff recommendation are compatible with existing office and commercial uses along Oakland Avenue,
- 2.) The alternate Staff recommendation will diversify the use of the property by retaining a residential option, and
- 3.) The proposed land uses under the alternate Staff recommendation will not infringe on the residential character of the established land uses along Oakland Avenue.

## BASIS FOR RECOMMENDATION

### § 25-2-98 COMMUNITY COMMERCIAL (GR) DISTRICT DESIGNATION.

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

- 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 has the potential to introduce land uses not compatible with existing land uses on Oakland Avenue.

- 2. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials.*

Community Commercial uses should be situated at the intersections of major arterials to facilitate traffic circulation and access. Furthermore, the introduction of GR uses on a collector street has a potential detrimental effect to established uses.

## EXISTING CONDITIONS

### Site Characteristics

The subject rezoning area consists of a 0.156 acre (6,795.36 square feet) site zoned MF-4-NP fronting Oakland Avenue and located within the *South of 6<sup>th</sup> Street District* as defined on page 26 of the Old West Austin Neighborhood Plan (“OWA Plan”). The site is currently developed with a vacant single-family residence. The subject property was rezoned from MF-4 to MF-4-NP under Ordinance No. 020926-26 enacting the Old West Austin Neighborhood Plan Area. The applicant proposes to rezone the site to GR-MU-CO-NP for the operation of a Pilates Studio and a rental unit on the second floor. This site is located in the proposed National Registered West Lynn Historic District. For any new development/construction, the City Historic Preservation Officer will review all proposed building changes, demolitions and relocations prior to site plan approval. Furthermore, this site also lies within the MoPac Bridge Capitol View Corridor.

### Transportation

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



2. The trip generation under the requested zoning is estimated to be 1,183 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. Capital Metro bus service is available along 5<sup>th</sup> and 6<sup>th</sup> Streets.

### **Environmental**

1. The site is located over the north 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. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other significant environmental features
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 adjustments, and relocation
3. Also, 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 utility 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. This site is located in the proposed National Registered West Lynn Historic District. For any new development/construction, the City Historic Preservation Officer will review all proposed building changes, demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property. Please contact the Historic Preservation Officer at 974-6454 for additional information [Chapter 25-11]
2. This site is within the Mopac Bridge Capitol View Corridor. Height restrictions with the view corridor will be strictly enforced.
3. It appears the site is maybe subject to compatibility standards, next to property zoned or used SF-5 or more restrictive
  - 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.
  - 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.

**Rousselin, Jorge**

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**From:** Liz Blumenfeld [REDACTED]  
**Sent:** Wednesday, September 06, 2006 1:56 PM  
**To:** Rousselin, Jorge  
**Subject:** Case #C14-06-176, 504 Oakland  
**Importance:** High

Jorge,

Thank you so much for taking the time out of your busy schedule to discuss our request for rezoning the property located at 504 Oakland Avenue. I particularly appreciated your suggestions and encouragement with regard to our negotiations with OWANA. Per your request, find below a brief description of the future use for the property

The lot at 504 Oakland Avenue will be a mixed use property. The current plans are to renovate the property back to its former glory and to build a high-end rental/apartment on the second floor with the first floor being occupied by a Pilates Studio. I am soon to be certified Pilates instructor and plan to manage the business. In our negotiations with OWANA, we have agreed to several of their terms including:

- Limiting the total square footage developed on the property to 2500 square feet
- The height of the structure will not exceed 40 feet.
- The uses allowed under General Retail shall be limited with the exception of Personal Improvement Services

The total existing building cover is 1,724 square feet and we will be increasing that to 1,962 square feet. We will be adding a ramp for handicap access since many of our customers require this. The total impervious cover is 4,167 square feet or 61.28%. None of the large trees on the property will be touched except for some trimming. In addition, we plan to provide 8 parking spaces with 2 of those being designated for the tenant(s) of the 2nd floor apartment.

Once again, many thanks for your assistance with this. Should you have any questions, please feel free to contact me at [REDACTED].

Regards -

Liz Blumenfeld

**PS - If you decide in favor of our request, is there a scheduled time of day for the September 26th Planning Commission and where do they meet? Do we need to attend the entire meeting or would we have a particular time slot?**

9/21/2006

## 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.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0176

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

September 26, 2006 Planning Commission

*ROBERT STEVENS*

Your Name (please print)

*509 Pavell St 78703*

Your address(es) affected by this application

*7-18-06*

Date

Signature

*Our neighborhood is already*

*short of parking and streets for*

*the other - abundance of commercial*

*development on STH 5*

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810



**Rousselin, Jorge**

**From:** Edward Blumenfeld [REDACTED]  
**Sent:** Tuesday, September 26, 2006 9:38 AM  
**To:** Rousselin, Jorge  
**Subject:** Rezone Request

Dear City of Austin Planning Commission and Mr. Jorge Rousselin,

As the owners of 504 Oakland Street, we accept the City of Austin's Planning Commission recommendation to accept a rezone to LO-MU-NP and not seek GR-MU-NP. The case number is C-14 06 01 76. If you require any additional information from us please advise.

Thanks for your assistance through this matter.

Edward and Elizabeth Blumenfeld  
512/346-2048 or  
512/423-1512

**RECEIVED**

SEP 26 2006

Neighborhood Planning & Zoning

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 504 OAKLAND AVENUE IN THE OLD WEST  
3 AUSTIN NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE  
4 MODERATE-HIGH DENSITY-NEIGHBORHOOD PLAN (MF-4-NP)  
5 COMBINING DISTRICT TO LIMITED OFFICE-MIXED USE-NEIGHBORHOOD  
6 PLAN (LO-MU-NP) COMBINING DISTRICT.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
9

10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from multifamily residence moderate-high density-neighborhood  
12 plan (MF-4-NP) combining district to limited office-mixed use-neighborhood plan (LO-  
13 MU-NP) combining district on the property described in Zoning Case No. C14-06-0176,  
14 on file at the Neighborhood Planning and Zoning Department, as follows:

15  
16 Lot 9, Outlot 1, Division Z, Woodland Subdivision, a subdivision in the City of  
17 Austin, Travis County, Texas, according to the map or plat of record in Plat Book  
18 3, Page 22, of the Plat Records of Travis County, Texas (the "Property"),  
19

20 locally known as 504 Oakland Avenue, in the City of Austin, Travis County, Texas, and  
21 generally identified in the map attached as Exhibit "A".  
22

23 PART 2. The Property is subject to Ordinance No. 020926-26 that established the Old  
24 West Austin neighborhood plan combining district.  
25

26 PART 3. This ordinance takes effect on \_\_\_\_\_, 2006.  
27

28 PASSED AND APPROVED

29 §  
30 §  
31 §

32 \_\_\_\_\_, 2006

33 Will Wynn  
34 Mayor

35  
36 APPROVED:

37 David Allan Smith  
38 City Attorney

ATTEST:

Shirley A. Gentry  
City Clerk



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT A</b>  CASE # C14-06-0176 ADDRESS: 504 OAKLAND AVE SUBJECT AREA (acres). 0.156	DATE 06-08  INTLS SM	CITY GRID REFERENCE NUMBER  H22
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: J. ROUSSELIN				