

**SUMMARY SHEET FOR TRACTS 30 AND 23A—SOUTH CONGRESS
COMBINED NEIGHBORHOOD PLAN AND REZONINGS**

CASE: NP-05-0020 (PART)

RELATED CASE: C14-05-0106 (PART)

BACKGROUND

On August 18, 2005 the City Council approved all of the elements of the South Congress Combined Neighborhood Plan except those relating to the Pleasant Hill Subdistrict (located to the northwest of the intersection of Stassney Ln. and South Congress Ave.). At the September 1, 2005 City Council meeting, the future land use map (FLUM) and the rezonings to implement the Pleasant Hill Subdistrict were approved on first reading. Second and third readings for the majority of the properties in the district occurred on October 6, 2005. Two tracts remained to be considered, Tracts 30 and 23A.

TRACT 30

Of these left over tracts, Tract 30 (103 Red Bird, T. F. Harper & Associates) remains the most contentious. On October 12, 2005 neighborhood residents, Neighborhood Planning and Zoning staff, and Mr. Harper met to determine if a compromise could be reached concerning the zoning of his property. The tone of the meeting remained cordial but no resolution could be reached and the neighbors and Mr. Harper agreed to disagree.

The current use, Construction Sales and Services has been determined to be a Group "A" non-conforming use—the greatest level of nonconformity. The office and indoor storage of materials in a warehouse are "grandfathered." However, a number of other activities and buildings are in violation of Section 25-21-947 of the City Code. These include:

- Loading and unloading of construction materials
- Outside storage of construction materials
- Outside storage of materials
- Overnight parking of work trucks
- Storage structures less than \$10,000 in value.

Section 25-2-947, "Nonconforming Use Regulation Groups", states that a Group "A" nonconforming use must cease any outside use not later than ten years after becoming nonconforming, in this case ten years expired in the late 1970s.

Scenarios

- In order to continue the outside storage of construction materials, the property must be zoned Commercial Services (CS).
- If the property owner wants to build a new structure to store the materials, the zoning must be changed to CS because a Group "A" nonconforming use may not be expanded.
- If not rezoned to CS, the property owner must remove the materials or store them in existing structures valued at \$10,000 or greater.

Recommendations/ Past Actions

- The Planning Commission and NPZD staff recommended LO-MU-CO-NP (CO—requires a 30' vegetative buffer adjacent to the single-family to the west).
- The neighborhood recommended leaving the zoning as it is (SF-3/SF-6) or would be willing to support the Planning Commission recommendation.
- Mr. Harper supports changing the zoning to CS-MU-CO-NP. The proposed CO would limit commercial uses to those allowed in Limited Office (LO) zoning with the addition of Construction Sales and Services.
- On first reading City Council approved SF-3-NP and Single-Family land use for the tract. At second reading Council approved LO-MU-CO-NP (CO—requires a 30' vegetative buffer) and Office Mixed-Use land use designation.

Neighborhood Requested Conditions if CS-MU-CO-NP is adopted (as of 12-7-05)

The neighborhood continues to recommend no change to the current zoning on the property (SF-3 and SF-6). They would support, however, an alternate recommendation of LO-MU-CO-NP (CO requiring 30' vegetative buffer on western property line) as recommended by Planning Commission.

In the case that CS-MU-CO-NP (or some variation thereof) is elected by City Council, the neighborhood would remain opposed. However, since the November 3, 2005 City Council meeting (case postponed), a representative of the neighborhood has contacted staff and presented an alternate list requesting certain conditions if Council elects commercial zoning:

1. 30' vegetative buffer along the western property line,
2. Limit the uses to those allowed under LO-MU zoning with the addition of construction sales and services,
3. A solid fence across the front of the property,
4. No delivery or company trucks parked on the street,
5. All loading and unloading of trucks must be onsite and screened from view,

6. No forklifts on the street,
7. Correct the drainage problems and associated nearby flooding created when Mr. Harper backfilled the existing ditch and culverts adjacent to his property,
8. Mr. Harper agree to a voluntary zoning rollback to LO-MU-CO-NP (the CO would be a 30' vegetative buffer) and a land use designation of Office Mixed-Use on the plan's future land use map (FLUM) if the current use ceases for more than 90 days.

Of these items, only 1 and 2 can be addressed through zoning. The remaining items can be addressed through a restrictive covenant, remedial actions by Mr. Harper, and by the neighborhood notifying City inspectors when violations of regulations occur. Mr. Harper has been forwarded these conditions.

TRACT 23A (REZONING ONLY)

Due to errors in the addressing data, some confusion arose concerning Tract 23A (116 Red Bird).

History

- On first reading Council approved CS-MU-CO-NP and a Mixed-Use land designation for 116 Red Bird Lane.
- On second and third reading on October 6, no action was taken regarding 116 Red Bird Lane. At that meeting, a motion was made to remove consideration of a zoning change for part of Tract 23A (106 Red Bird Lane) due to a notification error. However, 116 Red Bird was sufficiently noticed for a zoning change. A land use designation of Mixed-Use was approved for 116 Red Bird on second and third readings as part of the non-contested properties in the Pleasant Hill Subdistrict.
- At the November 3 Council meeting, 116 Red Bird Lane will be considered for second and third reading to change the zoning to CS-MU-CO-NP. The CO would require a 30' vegetative buffer adjacent to single-family uses. It will be referred to as 23A.



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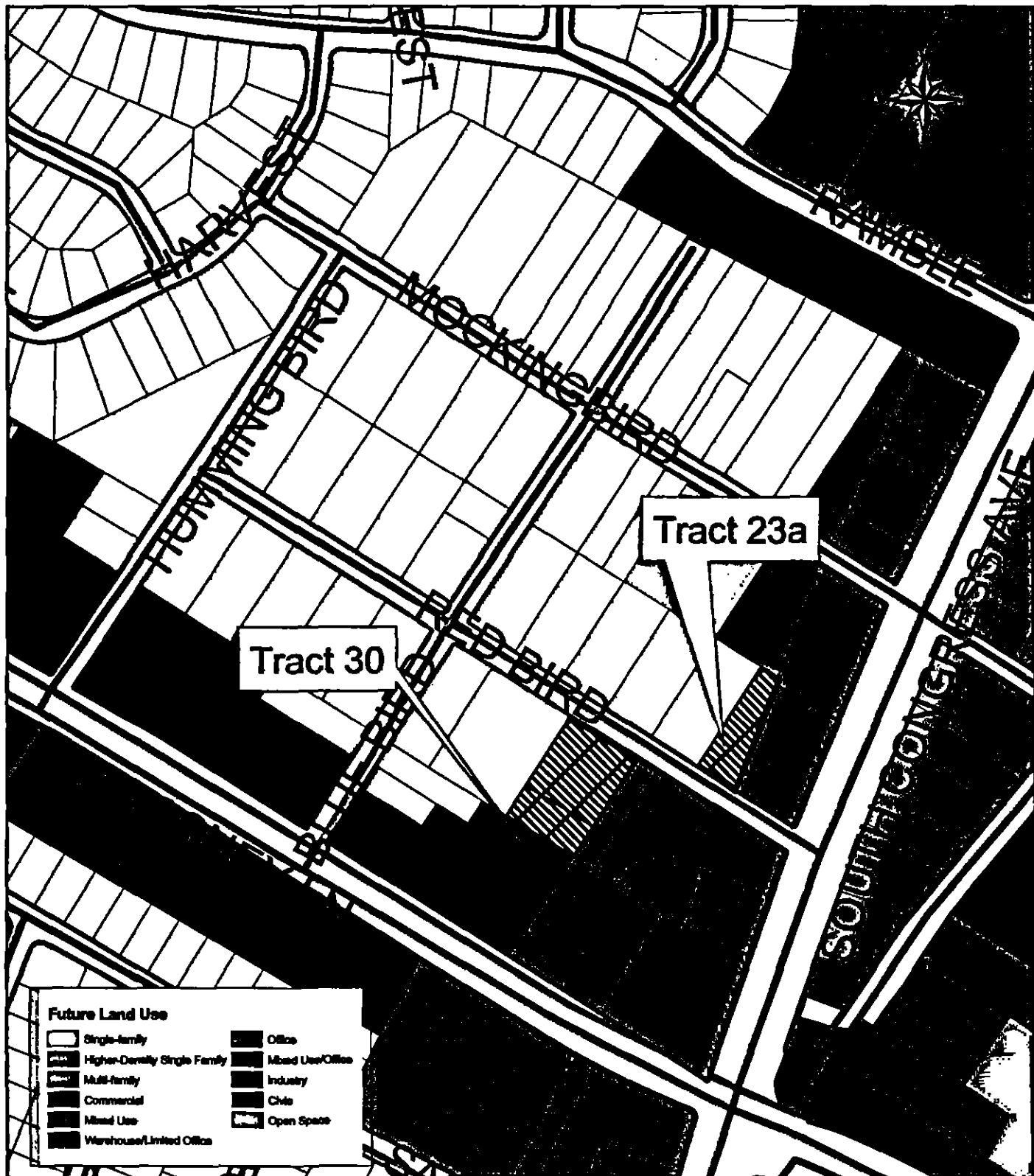


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West Congress Neighborhood Planning Area:
 Tracts 30 and 23a
 Case #C14-05-0106 (PART)
 December 15, 2005

Exhibit A

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 Feet

City of Austin
 Neighborhood Planning and Zoning Department