

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0021 (12104 N. Lamar Blvd.)

Z.A.P. DATE: April 6, 2010

ADDRESS: 12104 North Lamar Boulevard

OWNER/APPLICANT: Don Keeling

ZONING FROM: NO

TO: LR

AREA: 0.46 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The conditional overlay would prohibit the Service Station use on the site.

ZONING & PLATTING COMMISSION RECOMMENDATION:

4/06/10: Approved the staff's recommendation of LR-CO zoning, with additional conditions to prohibit Consumer Convenience Services, Off-Site Accessory Parking, Guidance Services, and 24-hour uses (6-0, S. Baldrige-No); D. Tiemann-1st, T. Rabago-2nd.

DEPARTMENT COMMENTS:

The property in question is a currently being used as a paving company (Construction Sales and Services use). The applicant maintains compacting equipment and has storage buildings on the site. There is a lot with what appears to be vehicle storage to the north and a religious assembly use to the west (Walnut Creek Baptist Church and cemetery). To the east, across North Lamar Boulevard, there is a multifamily use (On the Green Apartments). The lot to the south contains a used tire sales business (Automotive Repair). The applicant is requesting LR, Neighborhood Commercial District, zoning so that he can develop new commercial uses on the site.

The staff recommends LR-CO zoning for this property because it meets the intent of the Neighborhood Commercial district as the site is located adjacent to a religious assembly use and a multifamily residential use. In addition, low intensity commercial zoning is appropriate at this location because the property fronts onto and takes access from an arterial roadway, North Lamar Boulevard. The staff's recommendation in this case includes a prohibition for the Service Station use because the property backs up to existing floodplain, Walnut Creek, to the west. The applicant is currently operating a Construction Sales and Services use on the site. This use is not permitted in the LR zoning district that the applicant is requesting.

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NO	Construction Sales and Services (Paving Company)
<i>North</i>	NO	Vehicle Storage
<i>South</i>	LR-CO	Automotive Repair (Used Tire Sales), General Retail Sales (Clay Imports), Construction Sales and Services (Austintacious Pools)
<i>East</i>	SF-6-CO	Multifamily (On the Green Apartments)

West	RR	Religious Assembly and Cemetery (Walnut Creek Baptist Church & Cemetery)
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AREA STUDY: N/A

TIA: Not Required

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Neighborhoods Council
Austin Monorail Project
Austin Parks Foundation
Homebuilders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
North Growth Corridor Alliance
Pflugerville Independent School District
River Oaks Lakes Estates Neighborhood
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appeals Organization
The Real Estate Council of Austin, Inc.
Walnut Creek Neighborhood Association, Inc.
Yager Planning Area

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0191	NO to GR	8/21/08: Approved LR-CO on consent, with following conditions: Prohibit Consumer Convenience Services, Offsite Parking, Guidance Services, and Service Station uses (4-0, B. Baker, J. Gohil, and K. Jackson-absent)	11/21/08: Approved LR-CO by consent on all 3 readings (6-0, B. McCracken-absent); L. Morrison-1 st , L. Leffingwell-2 nd .
C14-06-0217	NO to GO	12/19/06: Approved staff rec. of GO by consent (9-0)	1/25/07: Approved GO zoning (6-0); all 3 readings
C14-05-0104	NO to GO	8/16/05: Approved staff's recommendation for GO-CO zoning with the following additional conditions: 1) The property shall have a 10-foot vegetative buffer along North Lamar Boulevard; 2) Detention for the site should be addressed at the time of site plan review;	9/29/05: Approved GO-CO zoning by consent (7-0); all 3 readings

		3) Create a restrictive covenant (public or private as determined by the Law department) to prohibit Modeling Services in a Personal Services use. The restrictive covenant shall be filed prior to 3 rd reading of the case at City Council. Vote: 8-0, K. Jackson-absent; C. Hammond-1 st , J. Martinez-2 nd .	
C14-05-0066	LO to GR	7/05/05: Approved GR-CO zoning for Tract 1. The conditional overlay for Tract 1 will prohibit the uses set out by staff, except to allow Food Sales as a permitted use. Approved LO-CO zoning for Tract 2. The conditional overlay will limit Tract 2 to NO (Neighborhood Office) development regulations, prohibit Medical uses, prohibit parking for uses developed on Tract 1, and require a minimum 100-foot development setback from the centerline of Walnut Creek (7-1, C. Hammond-Nay; M. Hawthorne-Absent)	8/04/05: Approved ZAP recommendation for GR-CO zoning (7-0); 1 st reading only 9/01/05: Approved GR-CO zoning on consent (7-0-); 2 nd /3 rd readings
C14-04-0133	DR, LO to GR	10/5/04: Approved staff's recommendation of GR-CO district zoning for Tract 1 and LO-CO district zoning for Tract 2. Additional condition for Tract 1 is LR development standards. The following uses are removed from the prohibited use list: Business or Trade School; General Retail Sales (General); Business Support Services; Consumer Repair Services; Financial Services, and Pet Services (9-0); K. Jackson-1 st , J. Martinez-2 nd .	10/21/04: Approved staff's recommendation of GR-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with additional condition of 'LR' district development standards for Tract 1 (7-0); 1 st reading 11/4/04: Approved GR-CO zoning for Tract 1 and LO-CO for Tract 2 (7-0); 2 nd /3 rd readings
C14-03-0162	LO to GR-CO	12/2/03 – Postponed at the request of staff, due to a notice error (9-0) 12/16/03 – Approved GR-CO, with added condition (8-0)	1/29/04: Approved GR-CO (5-0); all 3 readings
C14-00-2020	RR to GO-	4/18/00: Denied (6-0)	8/30/00: Withdrawn

	CO		
C14-00-2152	DR to LO-CO	8/22/00: Approved LO-CO. The CO prohibits access to North Bend Dr. and limits trips to 2,000 per day (8-0)	10/5/00: Approved LO-CO (5-0); all 3 readings
C14-99-2055	RR to NO	11/16/99: Approved staff rec. of RR by consent (6-0-1, B. Baker-abstain)	9/21/00: Withdrawn-There was a mapping error, the property was already zoned NO.
C14-90-0002	NO to W/LO	4/10/90: Approved W/LO (5-0-3)	5/10/90: Approved W/LO (6-0); 1 st reading 8/2/90: Approved W/LO (6-0); 2 nd /3 rd readings

RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
N Lamar Blvd	100'	70'	Arterial	No	No	Yes

CITY COUNCIL DATE: May 13, 2010

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

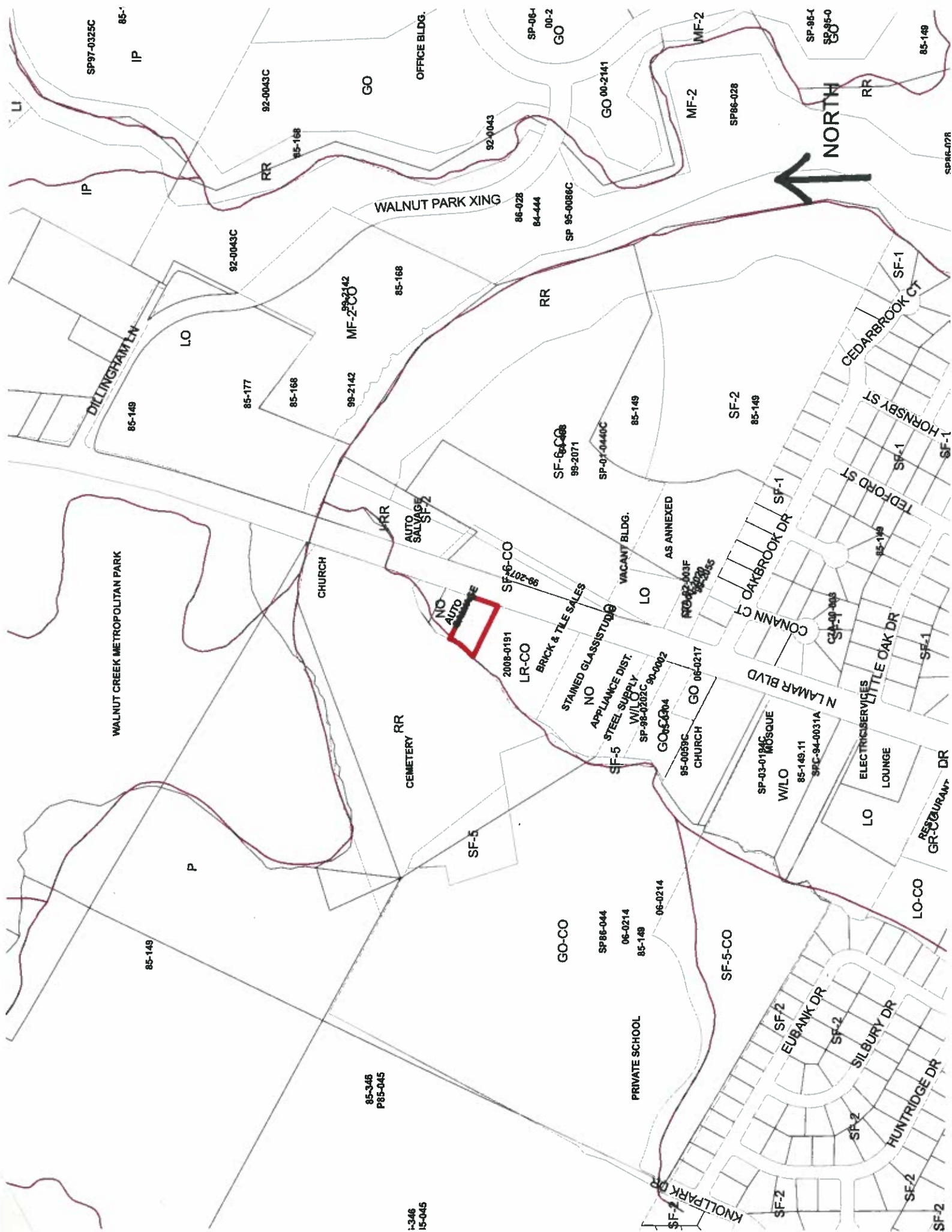
ZONING CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

E-mail: sherri.sirwaitis@ci.austin.tx.us



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



STAFF RECOMMENDATION

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The conditional overlay would prohibit the Service Station use on the site.

BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

2. *Granting of the request should result in an equal treatment of similarly situated properties.*

The property directly to the south of this site, which is similarly located with the religious assembly use to the west and the multifamily use to the east, was zoned LR-CO through zoning case C14-2008-0191 in November of 2008.

3. *Zoning should allow for reasonable use of the property.*

The proposed LR-CO zoning will allow the applicant to develop low intensity commercial and office uses on a property that fronts on and takes access to North Lamar Boulevard, an arterial roadway. LR-CO zoning at this location will permit the development of retail uses that will provide services to the multifamily residential use to the east.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is a currently being used as a paving company (Construction Sales and Services use). The applicant maintains compacting equipment and has storage buildings on the site. The lot to the north appears to be used for vehicle storage. The property to the west has a religious assembly use with a cemetery (Walnut Creek Baptist Church and cemetery). To the east, across North Lamar Boulevard, there is a multifamily use (On the Green Apartments). The lot to the south contains as a used tire sales business (Automotive Repair use).

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut 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.

According to flood plain maps, there is a floodplain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 80 %. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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%

Note: The most restrictive impervious cover limit applies.

Site Plan/Compatibility Standards

The site is subject to compatibility standards. Along the west property line, 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.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

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

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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
N Lamar Blvd	100'	70'	Arterial	No	No	Yes

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

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

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: C14-2010-0021

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Apr. 6, 2010, Zoning & Planning Commission
May 13, 2010, City Council

DUC H. NGUYEN

Your Name (please print)

12003 N Lamar Blvd. Austin TX 78753

Your address(es) affected by this application

[Signature]

Signature

3/28/10

Date

Daytime Telephone: 512-977-9300

Comments:

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Walnut Creek Neighborhood Association, Inc.

(WCNA)
P. O. Box 82746
Austin, TX 78708-2746

Case # C14-2101-0020 & 21 ... 12108 & 12104 N Lamar Blvd

4/6/2010

Chairman Baker, commissioners, ...

This subject zoning case is from NO to LR. Staff has recommended LR-CO with conditions prohibiting Service Station. The WCNA board reviewed this case at our monthly meeting last night. The board agrees the LR-CO zoning is compatible with the neighborhood and surrounding environment.

The Board would like to include the following prohibited uses:

Consistent Convenience Services, Offsite Parking and Guidance Services along with Service Station. *+ PROHIBIT 24 HOUR USE*

This would be consistent with prohibited uses on case C14-2008-0191 located to the south of the property.

This case could go as consent if the aforementioned conditions were amended to the Staff recommendation.

Thank you,



Wayne Tobias
President, Walnut Creek Neighborhood Association.



Don Keeling
Owner/Applicant 11204/8 N Lamar Blvd