

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0030 – 12500 Limerick Ave.

Z.A.P. DATE: April 20, 2010
May 4, 2010

ADDRESS: 12500 Limerick Avenue

APPLICANT: J. B. Phillips

AGENT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: NO-MU

TO: GO*

AREA: 0.243 acres

* The applicant amended his re-zoning request to LO, Limited Office District, zoning at the May 4, 2010 Zoning and Platting Commission meeting. In addition, the agent for the case offered to limit the building footprint on the site to 2,000 sq. ft. and to limit vehicle trips on the site to less than 200 vehicle trips per day.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny GO, General Office District, zoning.

However, if the zoning is recommended by the Zoning and Platting Commission and granted by the City Council, development should be limited through a conditional overlay to less than 300 vehicle trips per day [LDC, Sec. 25-6-114].

ZONING AND PLATTING COMMISSION RECOMMENDATION:

4/20/10: Postponed to May 4, 2010 at the applicant's request (7-0); S. Baldrige-1st, D. Tiemann-2nd.

5/04/10: Approved LO-CO zoning with the following conditions: limit the building size on the site to 2,000 sq. ft. and limit the site to less 200 vehicle trips per day (4-3, D. Tiemann, P. Seeger, and B. Baker-No); S. Baldrige-1st, T. Rabago-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with an office for a roofing contractor (Construction Sales and Services use). The subject tract is a corner lot that is located at the intersection of a residential collector street, Limerick Avenue, and an arterial roadway, West Parmer Lane. The applicant is requesting General Office zoning so that he can locate more intensive office uses at this site.

The staff recommends denial of the applicant's request for GO, General Office District, zoning because this property fronts onto a residential street that is the main entrance to the Lamplight Village residential neighborhood. The staff believes that the existing NO-MU zoning is appropriate for this site because the property meets the intent of the Neighborhood Office district. There is 'NO' zoning across Parmer Lane at the southwestern corner of Limerick Avenue and West Parmer Lane and 'LO-CO' zoning to the west of the subject tract at the southeastern intersection of Silver Spur and West Parmer Lane. The proposed NO-MU zoning is compatible with the single family neighborhood located to the north and east. Neighborhood Office zoning allows for low intensity office uses that will serve the surrounding residential areas.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Office
<i>North</i>	SF-2	Duplex
<i>South</i>	NO	Office
<i>East</i>	SF-2	Single-Family Residences
<i>West</i>	LO-CO	Medical Office (Dentist)

AREA STUDY: North Lamar Area Study

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 Monorail Project
 Austin Neighborhoods Council
 Austin Parks Foundation
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 Lamplight Village Area Neighborhood Association
 League of Bicycling Voters
 North Growth Corridor Alliance
 Northwood Homeowners Association
 Pflugerville Independent School District
 River Oaks Lakes Estates Neighborhood
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-07-0027	SF-2 to NO	4/03/07: Approved the staff's recommendation of NO-MU zoning on consent (6-0, J. Gohil-abstained; K. Jackson and S. Hale-absent)	5/03/07: Approved NO-MU zoning by consent (7-0); all 3 readings
C14-06-0097	I-RR to: GR CS* * On June 6, 2006, the staff received an e-mail from the agent for this	8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of-way reservation from the centerline of Parmer Lane (9-0); K. Jackson-1 st , B.Baker-2 nd .	8/31/06: Approved LR-CO zoning on 1 st reading (7-0); J. Kim-1 st , L. Leffingwell-2 nd . 9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 nd /3 rd readings

	case asking to amend the rezoning request for this property from 'GR' to 'CS'. The CS District will permit the Construction Sales and Services use that currently exists on the site.		
C14-05-0054	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0053	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0052	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0051	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-04-0201	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 st , B. Baker-2 nd . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1 zoning (9-0); B. Baker-1 st , K. Jackson-2 nd .	3/03/05: Approved SF-1 on 1 st reading (7-0) 4/07/05: Approved SF-1 (7-0); 2 nd /3 rd readings
C14-04-0119	NO to LR	9/21/04: Approved staff's rec. of LR (7-0)	10/21/04: Approved LR (7-0); all 3 readings
C14-02-0135	NO to GR	9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0)	10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent)
C14-01-0184	NO to GR	1/29/02: Postponed to 2/26/02 by applicant (8-0, A.Adams-absent) 2/26/02: Approved staff's recommendation of GR-CO zoning with the following conditions: Limit the	4/4/02: Approved ZAP rec. of GR-CO with conditions on all 3 readings (6-0, Goodman out of room)

		development intensity to less than 2,000 vehicle trips per day; restrict vehicle access from the property to Tomanet Trail; permit Personal Services as the only 'GR' use; and limit the property to 'NO' uses. (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early)	
C14-00-2045	NO to GR	5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000 vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft.	6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 st reading (7-0) 10/12/00: Approved GR-CO (7-0); 2 nd /3 rd readings
C14-98-0082	NO to GR	8/4/98: Approved GR-CO w/ conditions (9-0)	9/10/98: Approved PC rec. of GR-CO w/ conditions (6-0); 1 st reading Administrative-EXPIRED 9/7/99, no 3 rd reading
C14-96-0037	NO to LR	5/7/96: Approved LR-CO subject to conditions of no more than 12 parking spaces on the site and a 300 vehicle trip per day limit (8-0)	5/23/96: Approved LR-CO subject to conditions (6-0); 1 st reading 8/8/96: Approved LR-CO subject to conditions (7-0); 2 nd /3 rd readings
C14-94-0042	NO to LO	4/26/94: Approved LO-CO (6-0); subject to ROW; medical offices as only permitted 'LO' use, permit 'NO' uses; 0.15 FAR; 'NO' development regulations	6/9/94: Approved LO-CO (5-0); 1 st reading 11/17/94: Approved LO-CO (7-0); 2 nd /3 rd readings

RELATED CASES: C14-07-0027 (Previous zoning case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Parmer Lane	150'	Varies	Arterial	Yes	No	Priority 1
Limerick Avenue	64'	40'	Collector	Yes	No	No

CITY COUNCIL DATE: May 13, 2010

ACTION:

ORDINANCE READINGS: 1st

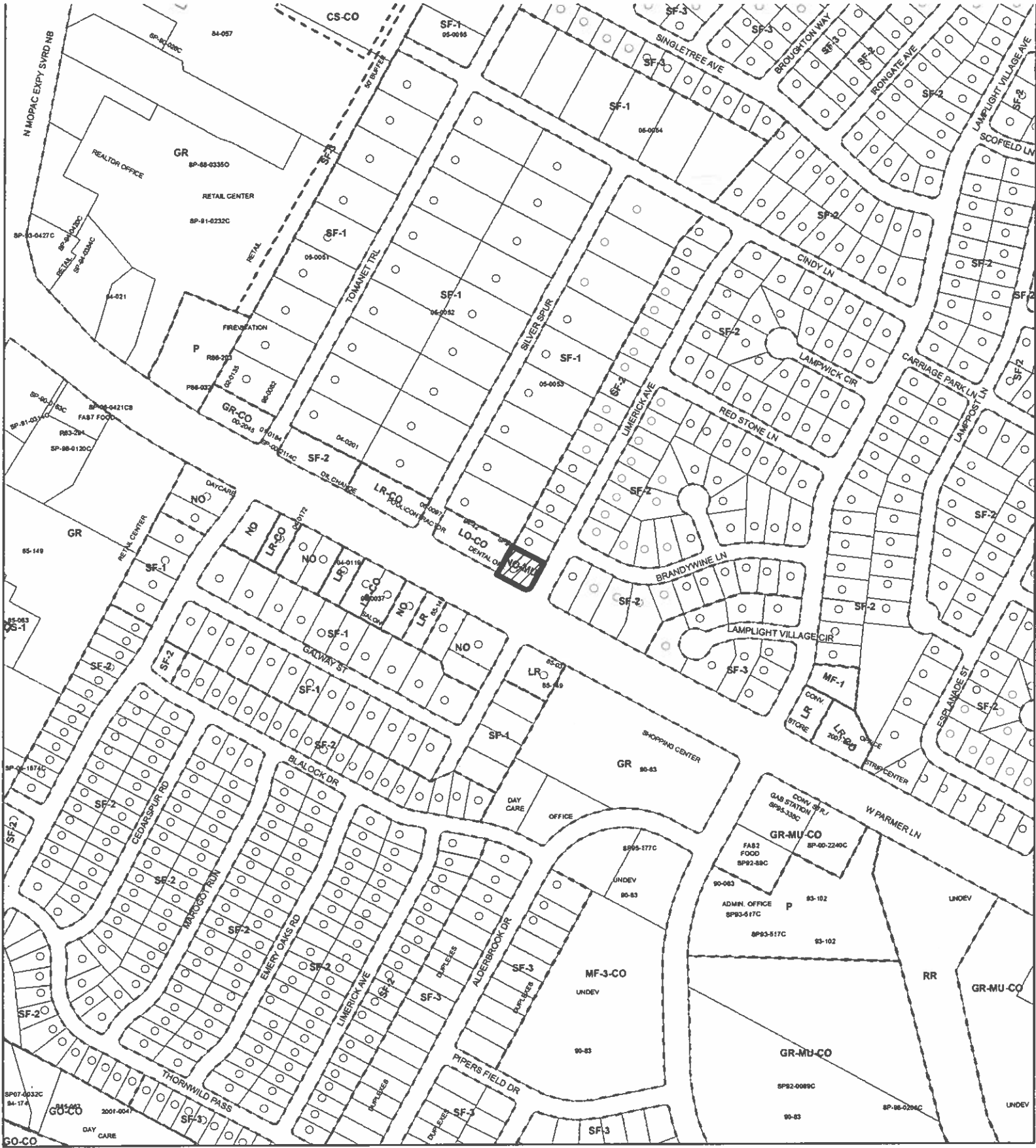
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057
sherri.sirwaitis@ci.austin.tx.us



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

OPERATOR: S. MEEKS

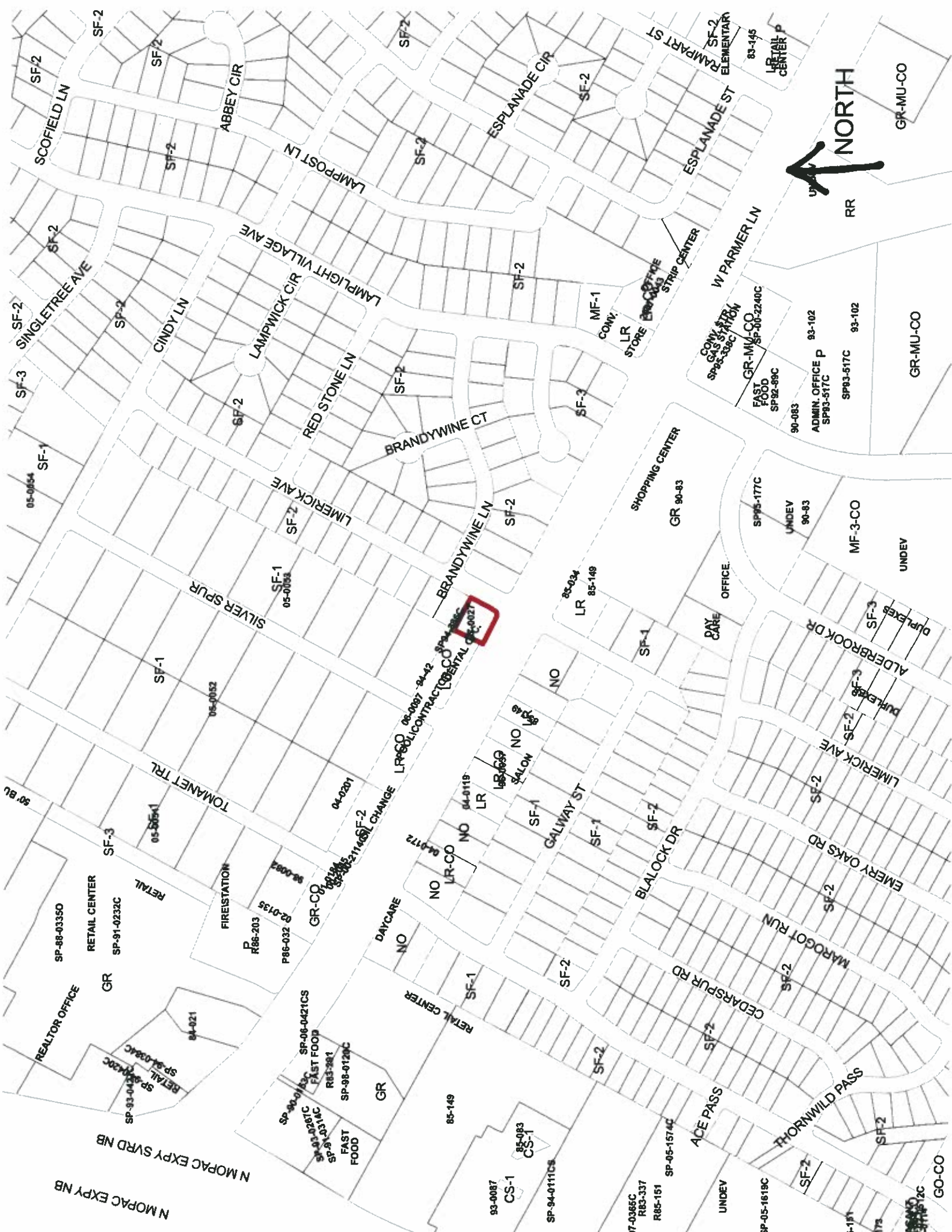
ZONING

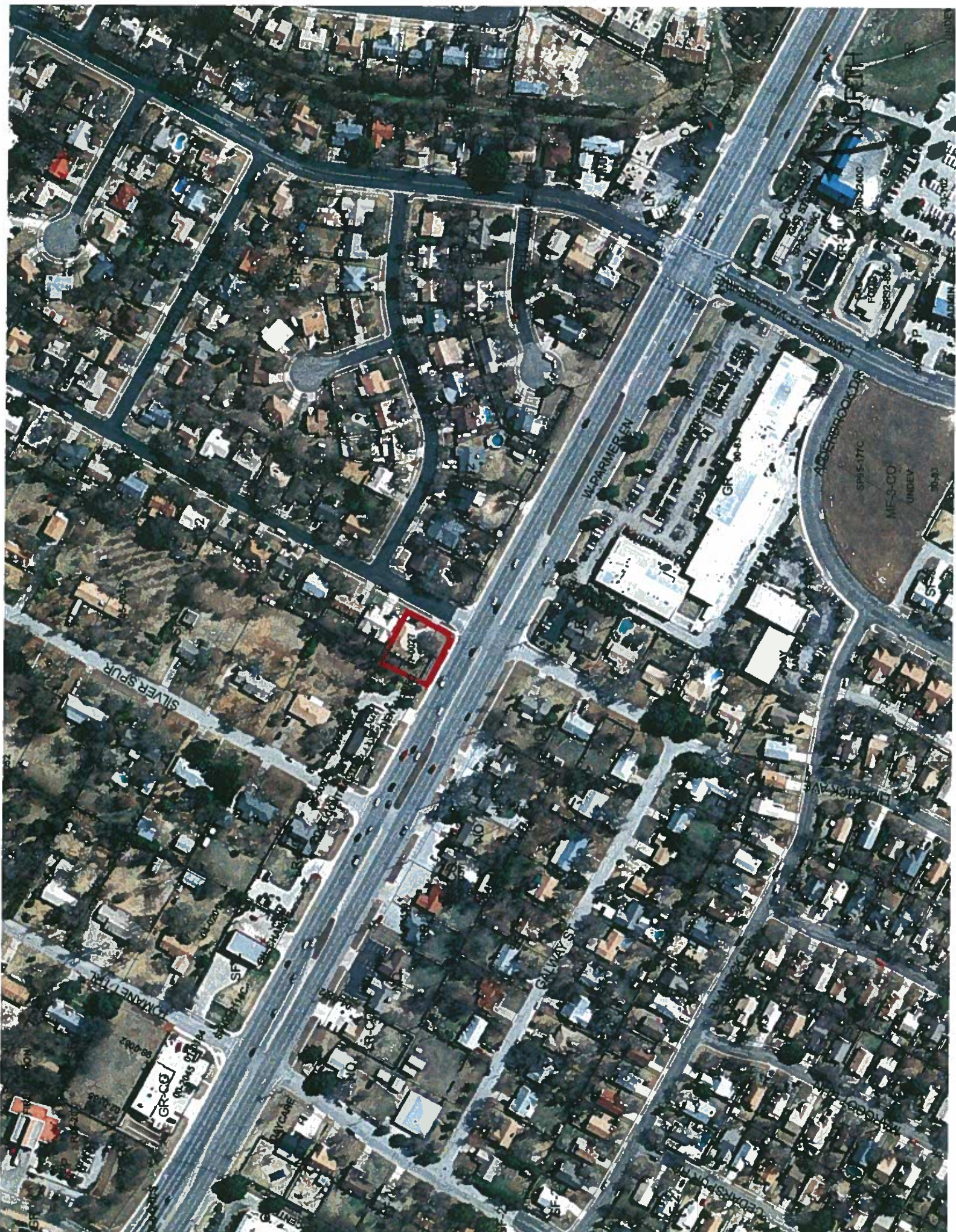
ZONING CASE#: C14-2010-0030
 ADDRESS: 12500 LIMERICK AVE
 SUBJECT AREA: 0.243 ACRES
 GRID: L35
 MANAGER: S. SIRWAITIS



1" = 400'

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 deny GO, General Office District, zoning.

However, if the zoning is recommended by the Zoning and Platting Commission and granted by the City Council, development should be limited through a conditional overlay to less than 300 vehicle trips per day [LDC, Sec. 25-6-114].

BASIS FOR RECOMMENDATION

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

Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

- 2. The proposed zoning should promote consistency and orderly planning.*

The existing NO-MU zoning promotes consistency and orderly planning because the site is located adjacent to NO/LO-CO zoning and office uses to the south and west.

The site currently takes access to a residential collector, Limerick Avenue. The staff recommends maintaining the existing NO zoning for this property because this zoning district allows for low intensity office uses that will serve the surrounding residential areas.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with an office that is being used by a roofing company (Construction Sales and Services 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 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.

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.

Impervious Cover

The maximum impervious cover allowed by the GO zoning district would be 80%. However, if 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%

Site Plan / Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

- a. The site is subject to compatibility standards. Because the site is adjacent to the SF-2 lot on the North, the front of the property (the East elevation along Limerick) is also subject to Compatibility. Along the North and East property lines, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. A landscape area at least 25 feet wide is required along 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.

- g. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- h. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- i. 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 Neighborhood Traffic Analysis will be required for this project by if the proposed traffic exceeds 300 vehicles per day and access remains on Limerick Avenue. LDC, Sec. 25-6-114.

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 300 vehicle trips per day. [LDC, 25-6-117]

Name	ROW	Pavement	Road Class.	Sidewalks	Daily Traffic	Bike Plan	Bus Routes
Parmer Lane	150'	90'	Arterial	Yes	53,050 vpd	Wide Curbs Exist/ Recommended	142 Metric Flyer
Limerick Ave	63'	37'	Local	No	Unknown	None Exist/ Recommended	

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 proposed land use. Water and wastewater utility plans 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.

Resa M. Watson
1 Leaffield Lane
Bella Vista AR 72714

479-268-4001 (h)
479-899-1084 (c)

resawatson@cox.net

March 21, 2010

J. B Phillips
5204 Pony Chase
Austin, TX 78727

RE: 12500 Limerick Avenue; Austin, TX 78758

To Whom It May Concern:

I support Mr. Phillips move to change zoning at 12500 Limerick Avenue from NO/MU to GO. I am the owner of 2127 Parmer Lane aka 12413 Limerick Avenue, Austin, TX 78758.

Sincerely,


Resa M. Watson

From: Cindy Lindsay (treetopprop@prodigy.net)
To: lnphillips@pontasia.com;
Date: Sun, March 14, 2010 1:28:59 PM
Cc:
Subject: Note re: rezoning

To whom it may concern:

My name is Cynthia Lindsay, and I own the property at 2205 Parmer Lane, just south of the property at 12500 Limerick Ave, owned by Mr Phillips. This property is currently under consideration for rezoning , from NO/MU to GO. From all aspects, this petition should be granted.

First of all, it would increase the value of the land, resulting in more tax money coming into Travis county. Secondly, if property owners are prospering, then Travis County prospers.


Thanking you in advance for your consideration, I remain

Yours truly,

Cynthia Lindsay

#5

I Felipe Reyes own 812 Brandt wine bar and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

 4-23-2010
Signed

I Laura Badensz own 12506 Limerick Ave. and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

Laura Badensz 4/22/10
Signed

I DIANNE MARROTT own 12514 LIMERICK AVE and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

Dianne Marrott

4/22/10

Signed

I WILNOT BRIDGES own 12600 LIMERICK and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

Wilnot Bridges 4-12-10
Signed

I Sergio Ariza own 12604 Limerick and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

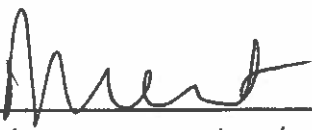
 4/20/2010
Signed

I Rosano Gonzalez own 12613 Limerick and 9-22-10
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.



Signed

I Roberto Acemont own 12603 Limerick and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.


Signed 4/21/10

I Kathy Wilson own 12513 Limerick Ave and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

Kathy Wilson 4-21-10
Signed

I BRUCE S. COHAM own 12509 LIMERICK and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

 4/21/10
Signed

I JoNell Kuntzschik own 2115 SEADYVINE LP and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

JoNell Kuntzschik
Signed 4-20-10

4/20/10

I, Larry Kitten own 2103 Brandysine Ln and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

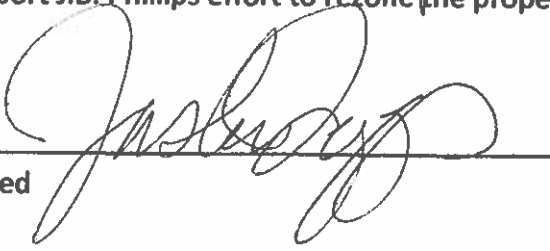
Larry Kitten
Signed

4-20-10

2106 Brandywine Ln.

I Justin Tapp own _____ and _____
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

Signed

A large, stylized handwritten signature in dark ink, appearing to read "Justin Tapp", is written over a horizontal line.

I, Johar Buch own 12516 Limerick Ave and
support J.B. Phillips effort to rezone the property at 12500 Limerick Ave. to General Office.

Johar Buch 4-20-2010
Signed

Sirwaitis, Sherri

From: kim johnson [REDACTED]
Sent: Monday, May 03, 2010 2:22 PM
To: Sirwaitis, Sherri
Cc: LamplightVillage@yahoogroups.com
Subject: Objection for rezoning for 12500 Limerick, #C14-20100030

Please note my objection for the rezoning of property 12500 Limerick Ave, Case # C14-20100030. These are not the views(unknown) of the Lamplight Village Area Neighborhood Association but, rather, my own personal opinions.

1. Currently, the business in use of this property is possibly in violation of zoning as a contracting services, per the COA. Case # 10026148, Keisha Moore, City Code Enforcement, is the inspector on the case. Awaiting update.
2. The Corner at Parmer and Limerick is currently being evaluated by the City of Austin Transportation Department, Case #44259, 'new sign request' for a NO PARKING sign to be evaluated for/installed. Due to possible/any current parking issues with the current rezoned property.
3. City parking restrictions for that corner may be in violation per city code which states no parking within 30' of the stop sign, COA Code TTL12-5-90. COA Transportation Dept. are currently evaluating the traffic concerns for this corner and entrance to the neighborhood. The business parking(work trucks, patrons) occurring from the business CMR may be in violation.
4. Continuing to allow rezoning of residential homes to businesses degrades the neighborhood's quality of life. It is not an attractive piece of property from the onlookers view. In my opinion it does not appear professional in any way. It looks like a put together business that is in need of suitable landscaping and well thought out design. None of which it has. Parking in the front yard is PROHIBITED in a neighborhood, COA Code 12-5-90. But yet we allow these business to do so on rezoned property and at this property it is UNSIGHTLY.
5. Limerick is a thru street for cars who do not wish to use the light at Lamplight Village. I do it all the time. By putting a business on the that corner on a residential sized road not intended for a business, in my mind, only creates bigger than is necessary, bigger than is needed demands on the traffic going in and out of the neighborhood. It's also a peaceful street leading to other interior streets of our neighborhood.
6. The rezoning to allow a so called 'dentist or doctors office' would not LOWER the amount of traffic at that location as Mr. Phillips has informed me! This math is simply not justified! Doctor/dentist appointments come and go every hour of the day. If they can't find a place to park I expect the overflow to go to the streets. Unhappy, complaining neighbors will then have no choice but to live with the COA decision that it was in the neighborhoods best interest to rezone. I expect the traffic to increase. By doing a traffic study now we can compare it to the increase I am sure we will see if the rezoning happens.
7. There is another issue with regard to that area. On 3/26/10 David Bauer, Department of Transportation, was informed of residents off Limerick/Brandywine to the East were driving out

5/3/2010

onto the COA right of way/easement using it as a personal driveway. This is under investigation.

One business gives leaway to another it seems. Please stop the insanity, promote preservation and vote for our neighborhood to remain a neighborhood for our families and their children. Consider the longterm effects businesses are creating for the future of this high traffic road of Parmer Lane with regard to Lamplight Village and it's continueing increase in traffic issues resulting from it.

Kim Johnson
12600 Esplanade St.
Austin, TX 78727
512-339-9722

Current President of the Lamplight Village Neighborhood Association

Sirwaitis, Sherri

From: Regina Regina [REDACTED]
Sent: Monday, May 03, 2010 6:28 PM
To: Sirwaitis, Sherri
Cc: Lamplight Village
Subject: RE: [LamplightVillage] Objection for rezoning for 12500 Limerick, #C14-20100030

Good Evening Sherri,

I also do not approve of the rezoning.

Thank you,

Regina Willson
5127797708

Please add my objection to this rezoning. We residents do not want to have anything in our neighborhood that can negatively impact its residential use. We already have to put up with a dirty and litter-contributing gas station at the northeast corner of Lamplight Village Avenue and Parmer Lane.

Also, I object to adding adding any additional parking lot space in the yard of 12500 Limerick. Parking lots contribute to the well-known city heat island effect, making ambient summer temperatures hotter and more unpleasant for the neighborhood as well as pedestrians.

If anything, the city should require suitable landscaping on the part of the business that is already there.

Richard Byrnes
2107 Brandywine Lane
Austin, Tx 78727
(512) 423-3562

--- On **Mon, 5/3/10, kim johnson** [REDACTED] wrote:

From: kim johnson [REDACTED]
Subject: [LamplightVillage] Objection for rezoning for 12500 Limerick, #C14-20100030
To: "Sherri Sirwaitis" <sherri.sirwaitis@ci.austin.tx.us>
Cc: LamplightVillage@yahoogroups.com
Date: Monday, May 3, 2010, 2:21 PM

5/4/2010

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12600 Esplanade St.
Austin, TX 78727
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