

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0044 – Western Trails Boulevard
Zoning Change

Z.A.P. DATE: May 4, 2010
May 18, 2010
June 1, 2010

ADDRESS: 2301, 2303 and 2305 Western Trails Boulevard

OWNERS & APPLICANTS: Kristine Alpert; Wilfred W. Kellas, Jr.;
Joe M. and Janet D. Sullivan

AGENT: Karl A. Burkett

ZONING FROM: SF-3

TO: NO-MU

AREA: 0.7903 acres
(34,425 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood office – mixed use – conditional overlay (NO-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

May 4, 2010: *APPROVED NO-MU-CO DISTRICT ZONING AS STAFF RECOMMENDED.*
[G. BOURGEOIS; S. BALDRIDGE – 2ND] (5-2) B. BAKER; D. TIEMANN – 2ND

May 18, 2010: *MOTION MADE TO RESCIND AND RECONSIDER ACTION OF MAY 4, 2010; DIRECTED STAFF TO SHOW HOW PARKING COULD BE PROVIDED ON-SITE AND TO RE-NOTIFY AND RE-POST FOR THE JUNE 1, 2010 MEETING.*
{P. SEEGER; T. RABAGO – 2ND} (5-1) G. BOURGEOIS – NAY; C. BANKS – ABSENT

June 1, 2010: *DENIED STAFF RECOMMENDATION OF NO-MU-CO DISTRICT ZONING.*
[D. TIEMANN; P. SEEGER – 2ND] (5-2) G. BOURGEOIS, S. BALDRIDGE – NAY

ISSUES:

The Applicant has submitted a conceptual parking plan for a duplex lot which is provided as Exhibit D. The exhibit shows the existing 1,689 square foot duplex at 2205 Western Trails Boulevard, and based on a parking standard of one space per 275 square feet for office use, six parking spaces are required. The improved area for the lots requested NO-MU zoning ranges in size from 1,689 to 2,132 square feet, and applying the parking standard described above, results in the requirement for six to eight parking spaces. Please note that the rezoning area is outside of the Urban Core (its south boundary is Ben White Boulevard), and

therefore, is not eligible to receive a 20% parking reduction. Any variance to parking standards requires a stated hardship and would be considered by the Board of Adjustment. A supermajority vote in favor of the variance is necessary for approval.

The conceptual plan indicates that approximately 1,600 square feet of new impervious cover would be necessary to meet the parking requirement, and therefore, a full site plan would be required. However, if the Applicant only converts one of the units to an office use, then a total of five parking spaces would be required (two spaces for one of the duplex units using tandem parking; three for the office use). In this case, the Applicant indicates that approximately 520 square feet of additional square feet of impervious cover would be needed to accommodate the parking as shown in Exhibit E. In this scenario, it is possible that the Applicant could qualify to file a site plan exemption application for a change in use as the amount of impervious cover needed to fulfill the parking requirement would be less than the impervious cover maximum of 1,000 square feet. The Applicant would then be able to proceed to the commercial building permit stage addressing compliance with the Americans with Disabilities Act. In the event the Applicant cannot comply with site plan exemption requirements, then a site plan application may be required.

DEPARTMENT COMMENTS:

The subject platted lots are developed with three duplexes and has family residence (SF-3) district zoning. There are four duplexes adjacent to the west, a single family residence to the east (all SF-3), single family residences to the south within Western Trails subdivision (SF-3), and office uses with a parking area across Western Trails Boulevard to the north (LO; CS).

The Applicants have requested a zoning change to the neighborhood office – mixed use (NO-MU) district in order to have the opportunity to convert one or both the units to administrative and professional office use, while also retaining residential use of the property. The owners of two other lots to the east have also submitted a rezoning request to NO-MU with the same intentions (C14-2009-0093). The Applicants also approached the adjacent property owner to the east about joining the rezoning application to the NO-MU district, however the owner did not elect to participate. Unlike other sections of the Western Trails subdivision, the six duplex lots on Western Trails Boulevard are not subject to deed restrictions that limit the property to residential uses.

Western Trails Boulevard contains both residential and office uses, and a residential/office use would be compatible with the established land use character of the street. Therefore, Staff recommends NO-MU district zoning in the context of its location on a collector street, compatibility with the office zoning across Western Trails, and with the single family residences to the south that are deed restricted.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Three duplexes
<i>North</i>	LO; CS; CS-1	Parking; Offices
<i>South</i>	SF-3	Single family residences
<i>East</i>	SF-3	One duplex lot; Two duplex lots requested for NO-MU zoning (C14-2009-0093)
<i>West</i>	SF-3	One single family residence

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 943 – Save Our Springs Alliance 1037 – Homeless Neighborhood Association
 1075 – League of Bicycling Voters 1108 – Perry Grid 644
 1113 – Austin Parks Foundation 1164 – Austin Southwest Association
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group

SCHOOLS:

Joslin Elementary School Covington Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0077 – Woodlawn 4 – 4600 Manchaca Road	SF-3 to LO-CO	Pending	Pending
C14-2009-0093 – 2203 & 2205 Western Trails Boulevard	SF-3 to NO-MU	Scheduled for 6-1-10	Scheduled for 6-24-10
C14-05-0087 – 4611 Manchaca Road	SF-3 to LO	Granted LO-CO with CO for maximum building cover – 35%,	Approved LO-CO as ZAP recommended (8- 4-05).

		impervious cover – 60%, maximum height 35 feet, 2 stories, maximum F.A.R. –0.11 to 1, 300 trips and list of prohibited uses.	
C14-04-0152 – 4607 Manchaca Road	SF-3 to LO	Granted as requested	Approved LO-CO with the CO limiting the F.A.R. to the existing building square footage; medical offices as the only LO use and all NO, Neighborhood Office uses; all NO development standards and 300 vehicle trips (1-13-05).
C14-04-0093 – Woodlawn Baptist Church	SF-3 to GO-CO, as amended	Case expired	Not applicable

RELATED CASES:

The subject zoning area is platted as Lots 14, 15 and 16 of Western Trails, Section 9, a subdivision recorded on September 3, 1964 (C8-64-036). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Western Trails Boulevard	70 feet	36 feet	Collector	5,414 (COA, 05/18/04)

- There are existing sidewalks along Western Trails Boulevard.
- According to the Austin 2009 Bicycle Plan Update approved by the Austin City Council in June 2009, a bicycle facility is not proposed on Western Trails Boulevard.
- Capital Metro bus service (route numbers 5, 30, 328 and 331) is available along Western Trails Boulevard.

CITY COUNCIL DATE: May 27, 2010

ACTION: Approved a Postponement request by the Staff to June 24, 2010 (6-0, Spelman – off the dais).

June 24, 2010

ORDINANCE READINGS: 1st

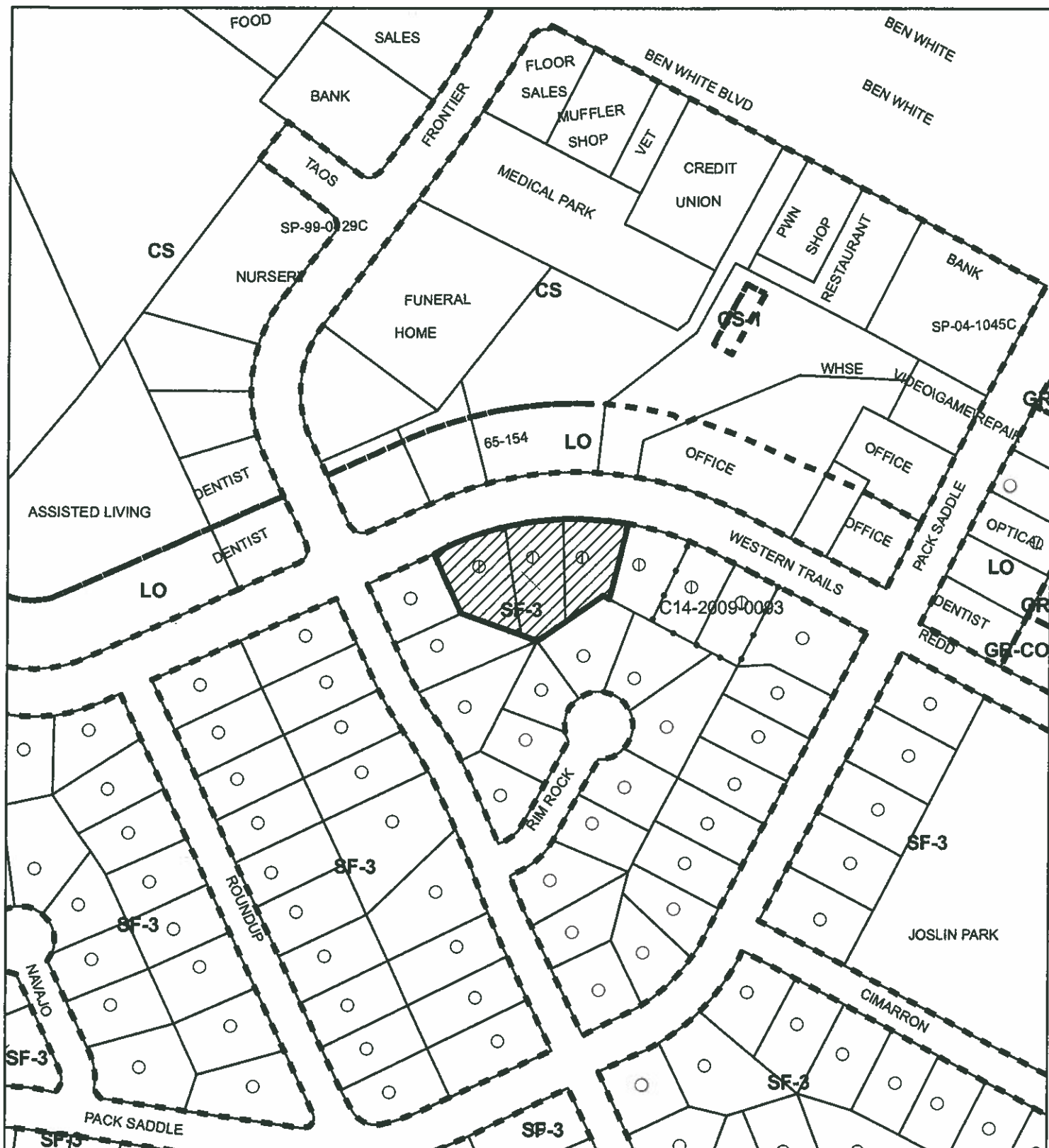
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



Legend

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING

SCALE: 1" = 200'

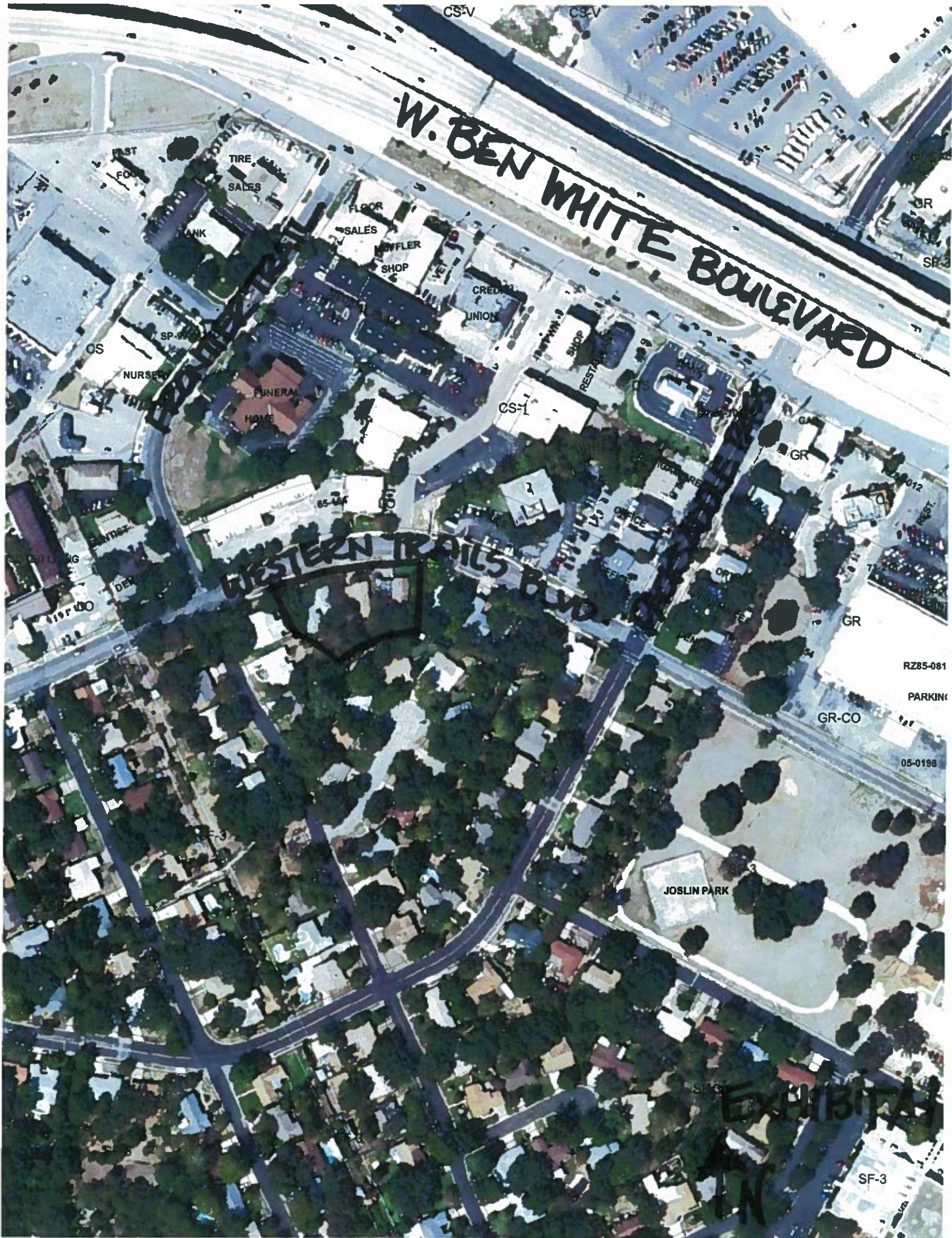
ZONING

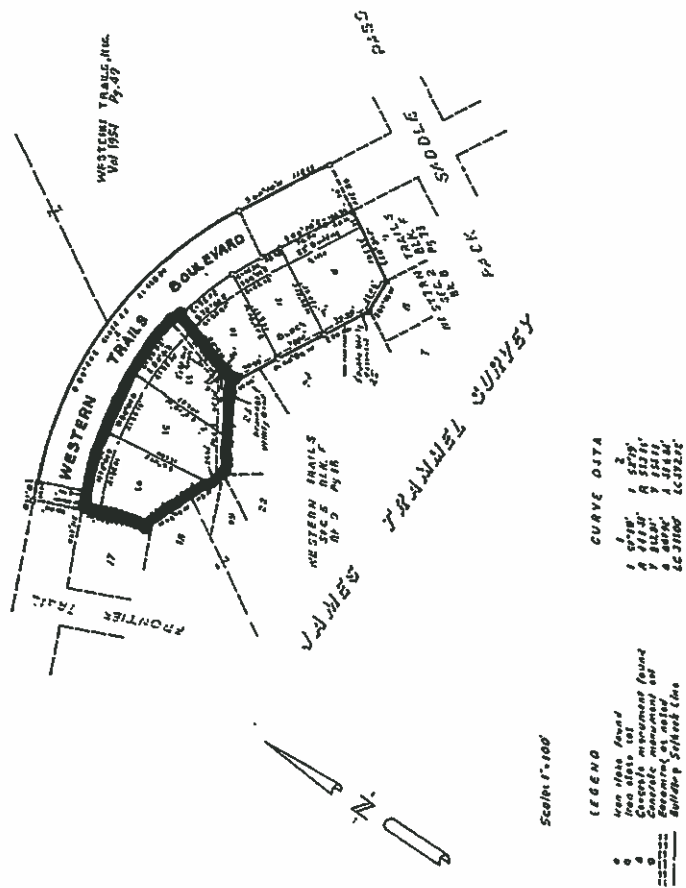
EXHIBIT A

CASE NUMBER: C14-2010-0044
 ADDRESS: 2301, 2303 & 2305 WESTERN TRAILS BLVD
 AREA: 0.7903 AC.
 GRID: F19
 CASE MGR: W. RHOADES



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.





WESTERN TRAILS

SECTION 9

EXHIBIT B
RECORDED PLAT

1. NINETEEN SIXTY TWO
3. OCTOBER 1962

[illegible]

ITVLA AND WITHIN THE CITY OF LOS ANGELES, CALIF.

William D. Lewis
William D. Lewis, Vice President

0237948 TRAILS INC.
Richard Stewart
Bellevue Court, Shelton
Ray A. Stewart
Ray A. Stewart, Successor Treasurer

THE MYSTERY OF TULLY:

I, ORIN ME, the undersigned authority, hereby declare to and let Travis County, Texas, on this day personally appeared Buford Rivers, May B. Stewart, and William D. Leslie officers of the STEVEN MILLER, INC., each known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that they executed the act and deed of the said STEVEN MILLER, INC., and that they executed the same for the purposes and considerations therein expressed.

COUNTY OF TRAVIS

OFFICE CHIEF BY NAME AND REL ADVISE THE DAY OF JURY, A.U., 1964

Thos B. Watts (See 1)
Notary Public in and for Travis County, Texas

APPROXIMATE TOTAL DISTANCE

no. Sept 2, 1964

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION, CITY OF AUSTIN, TEXAS,
 into the 2nd copy of *Seabrook*, A-9, 1964.

W. S. L. Lewis

film for record
at 11 o'clock Q N. into the 3
Emilia Dwyer
Hite Little League, 124th, County Court,
Tread County, Texas

Vice President St. P. O'Leary

FILE FOR RECORD 77 OF 10 PAGES N. 110 THE 3

Committee on
Hill Little Tobacco, Ltd., County Court,
Tread County, Texas

THE STATE OF TEXAS,
COUNTY OF TRAVIS:

1, Justice Lindsay, Clerk of the County Court within and for the County and State aforesaid do hereby certify that the foregoing instrument of writing with its Certificate of Authentication was filed in my office on the _____ day of _____, A.D. 1905, at _____ o'clock P.M., and duly recorded on the _____ day of _____, A.D. 1905, at _____ o'clock P.M.

THE ABOVE NAMED _____, is the first mentioned gold country in plot here _____, page _____.

1. I HEREBY BY HAND AND SEAL OF THE COUNTY COMPT. of said County; and the date last written above.

Kindred Wacker
Deputy

Emilio Lombard
High Endite Makers, Clark, Casey Court,
Tropic Canyon, Texas

THIS IS TO CERTIFY THAT JUSTLY CITY
CODE CHAPTER 10,21 OF 1954 HAS BEEN
COMPLIED WITH.

KLINGSTADT, D. 1976

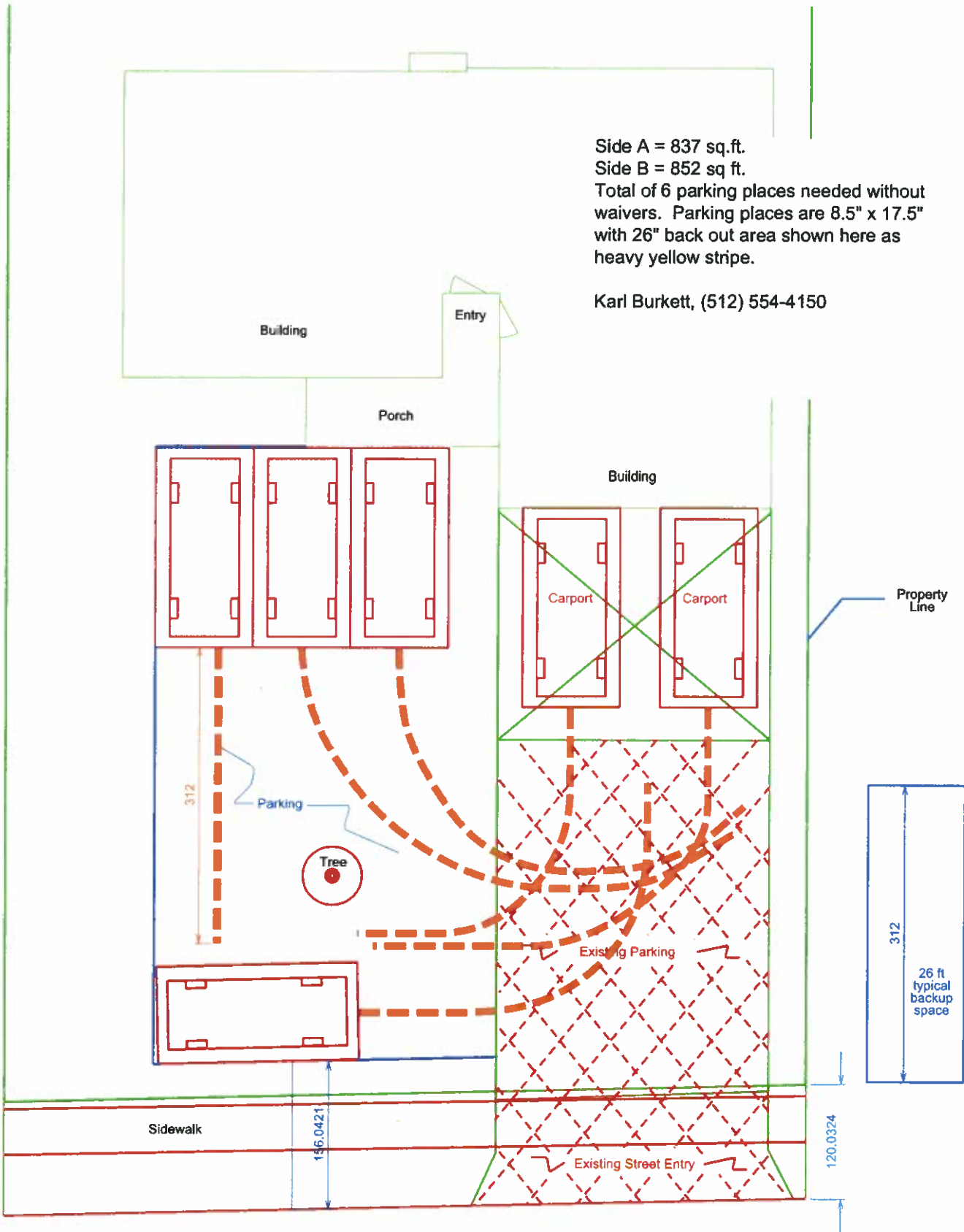
ИЗДАТЕЛЬСТВО «СОВЕТСКИЙ РАДИО»

By Walter J. Sullivan
Notary Public for New York
Date: June 2, 1964



Side A = 837 sq.ft.
Side B = 852 sq ft.
Total of 6 parking places needed without
waivers. Parking places are 8.5" x 17.5"
with 26" back out area shown here as
heavy yellow stripe.

Karl Burkett, (512) 554-4150



Western Trails Blvd.

2205 Western Trails Blvd.
Parking Plan

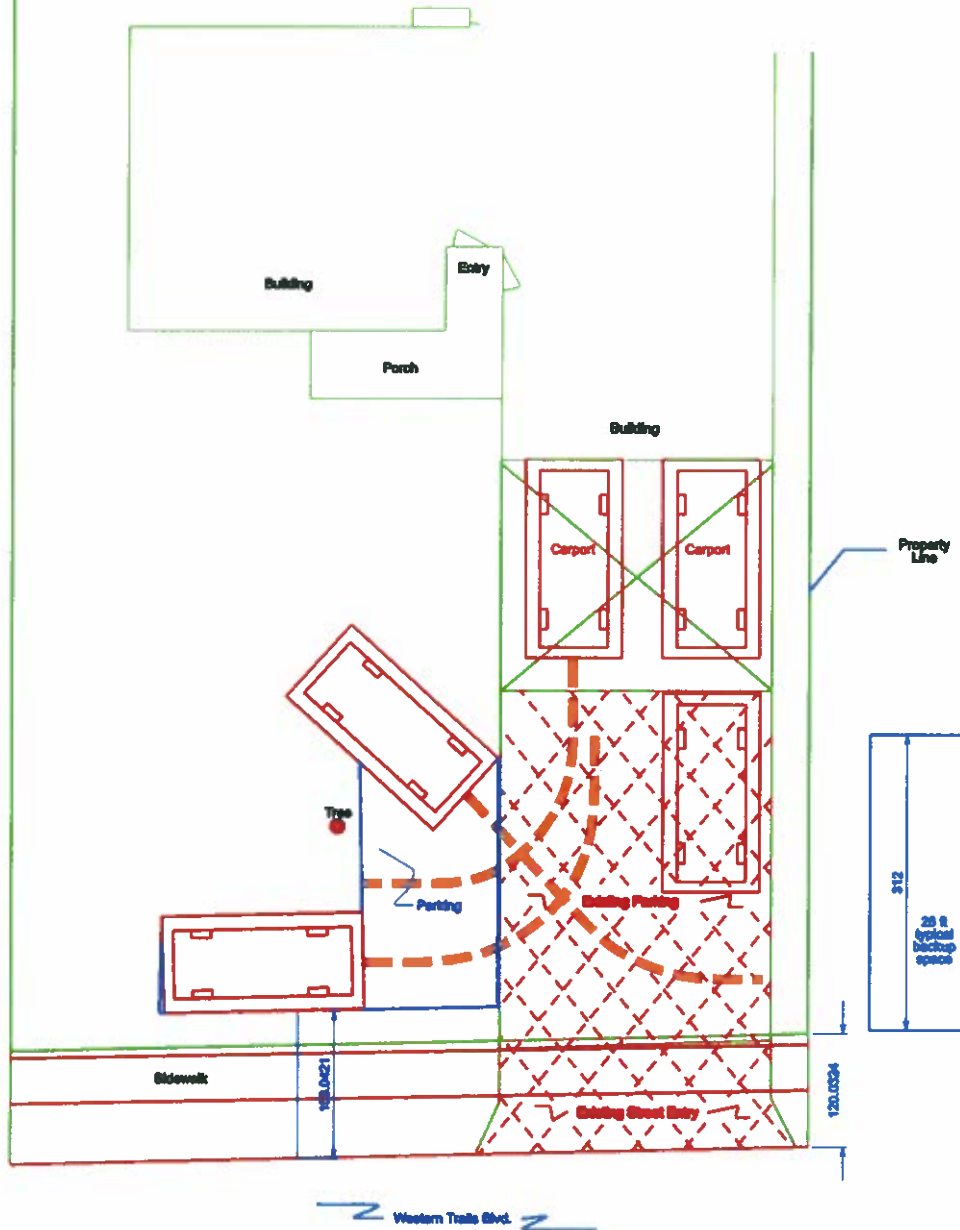
EXHIBIT C

Side A = 837 sq.ft.
Side B = 852 sq ft.

If only Side A is used as NO and Side B is used as residential, then three parking places are required for Side A and two are required for Side B.
Parking places are 8.5" x 17.5" with 26" back out area shown here as heavy yellow stripe.

The additional impervious cover needed to accommodate the parking arrangement shown is 520 square feet.

Karl Burkett, (512) 554-4150



2205 Western Trails Blvd.
Parking Plan

EXHIBIT D

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood office – mixed use – conditional overlay (NO-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The neighborhood office (NO) district is intended for offices predominantly serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. Offices in the NO district would typically locate on collector streets with a minimum of 40 feet of pavement width, and would not unduly affect traffic in the area. The NO district is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Western Trails Boulevard contains both residential and office uses, and a residential/office use would be compatible with the established land use character of the street. Therefore, Staff recommends NO-MU district zoning in the context of its location on a collector street, compatibility with the office zoning across Western Trails, and with the single family residences to the south that are deed restricted.

EXISTING CONDITIONS**Site Characteristics**

The subject property is developed with three duplexes. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the NO-MU zoning district would be 60%, which is based on the more restrictive zoning regulations.

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 Williamson 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. 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%

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.

Transportation

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

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]

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 with the change of zoning. 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.

Site Plan and Compatibility Standards

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

New development is subject to Commercial Design Standards, Subchapter E. The Principal Street is Western Trails, and is a Suburban Roadway.

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.

The site is subject to compatibility standards. Along the south, east and west property lines, the following standards apply:

- No structure may be built within 19.5 feet of the rear and side yard property line.
- No structure in excess of two stories and 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.
- 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.
- A building must have a front building line setback of at least 25 feet from the right of way if the tract adjoins single family property, zoned or used for residential use.
- No parking is allowed within 13 feet of the property line.
- No driveways are allowed within 8 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.
- 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.

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: C14-2010-0044

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: May 4, 2010, Zoning & Platting Commission
May 27, 2010, City Council

Martha Jean Butler
Your Name (please print)

4502 Rim Rock Path
Your address(es) affected by this application

M. Jean Butler
Signature

Daytime Telephone: *844-2208*

Date

4-26-10

☒ I am in favor ☐ I object
--

Comments:

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Public Hearing: May 4, 2010, Zoning & Platting Commission
May 27, 2010, City Council

VELLIE B. CARROLL

Your Name (please print)

4503 Frontier Trail Austin 78745

Your address(es) affected by this application

Vellie B. Carroll (widow) 4-30-10

Signature

Date

Daytime Telephone: 512-442-6475

Comments:

My only objection - I would like a tall light pole up at night next to creek for safety of property and residents use the creek to drink and canoe at night. I would like the property at night it will be even worse. This would be a very small price to pay for safety to neighbors. I have moved all my property and property

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

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Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

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See drawing attached

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Case Number: C14-2010-0044

Contact: Wendy Rhoades, 512-974-7719

**Public Hearing: June 1, 2010, Zoning & Platting Commission
June 24, 2010, City Council**

☒ I am in favor
☐ I object

M. Jean Butler
Your Name (please print)

4504 Rim Rock Path
Your address(es) affected by this application

M. Jean Butler
Signature

5-25-10
Date

Daytime Telephone: _____

Comments: _____

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

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Wendy Rhoades

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Austin, TX 78767-8810

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Contact: Wendy Rhoades, 512-974-7719

Public Hearing: May 4, 2010, Zoning & Planning Commission
May 27, 2010, City Council

Lloyd E. Brittan
Your Name (please print)

4501 FRONTIER TRAIL
Your address(es) affected by this application

Lloyd E. Brittan
Signature

Date

Daytime Telephone: 444-1661

Comments: My home for 51 years is on the corner. Commercial is on the North side of Western Trailer Blvd. Backing a car to enter traffic from the South side of the street is hazardous by adding congestion. There is ample commercial office spaces available in this block. People need rental houses, not offices. Please keep the South side of this block residential as it was from the original development.

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

City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2010-0044

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: June 1, 2010, Zoning & Planning Commission
June 24, 2010, City Council

Lloyd E. Brittan
Your Name (please print)

4501 FRONTIER TRAIL

Your address(es) affected by this application

Lloyd E. Brittan

Signature

5-24-10

Date

Daytime Telephone: 444-1661

Comments: I have owned this residential corner property for 51 years. I do not believe commercial property next to my backyard. There is ample commercial space across the street on Western Trails Blvd. This change will increase traffic flow, congestion, noise and provide no benefit purpose to the residential area. That this change will cover, Rental houses are needed for people not new office spaces.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

Rhoades, Wendy

From: Karl Burkett [mailto:karl@karlburkett.com]
Sent: Friday, June 04, 2010 6:50 PM
To: Rhoades, Wendy; alpertkristine@yahoo.com; bill@austx.com; JHarris@mailbmc.com
Subject: Re: Western Trails

Wendy,
Please postpone till the July 29 meeting,
thank you

Rhoades, Wendy wrote:

Hi Karl,
The Western Trails are scheduled for the City Council meeting of June 24th, and it would be a discussion item at that time. The meeting begins at 2 p.m., and it will likely be a lengthy meeting. In the event your group would like additional time and would like to request a postponement, then the next available meeting is July 29th (the Council takes a break in late-June through late-July every year). Later dates are August 5th and the August 19th.
Please let me know how you would like to proceed.

Thanks,
Wendy

From: Karl Burkett [mailto:karl@karlburkett.com]
Sent: Thursday, June 03, 2010 8:43 AM
To: Rhoades, Wendy
Subject: Western Trails

Wendy,
what are our options for city council meetings?
thanks

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Karl A. Burkett, P.E.
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Mobile (512) 554-4150

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6/7/2010