

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0146

Z.A.P. DATE: October 5, 2010

ADDRESS: 11794 Jollyville Road

OWNER/APPLICANT: Mohammad Arami

ZONING FROM: LR-CO, LO

TO: LR

AREA: 0.49 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR-CO (Neighborhood Commercial-Conditional Overlay) zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would prohibit Restaurant (Limited), Counseling Services, Guidance Services, and Safety Services uses on the property.

ZONING AND PLATTING COMMISSION:

10/05/10: Approved staff's recommendation of LR-CO zoning on consent with the following conditions: 1) Limit the site to less than 2,000 vehicle trip per day, 2) prohibit Restaurant (Limited), Counseling Services, Guidance Services and Safety Services (7-0); P. Seeger-1st, D. Tiemann-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a service station/convenience store (Texaco). The applicant is requesting LR, Neighborhood Commercial District, zoning because they would like to expand the existing use on the site.

Staff is recommending LR-CO zoning for this site because the property fronts onto an arterial roadway and will provide services to the surrounding residential neighborhoods. The proposed LR-CO zoning is compatible with the existing LR-CO zoning to the north of this site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO, LR-CO	Service Station/Convenience Store (Texaco/Food Mart)
<i>North</i>	SF-2	Single-Family Residences
<i>South</i>	SF-2	Undeveloped Area, Single-Family Residence
<i>East</i>	LO	Office (Foxglove Executive Suites, Kipp Flores)
<i>West</i>	LR-CO	Office/Retail Building (River City Developments: Recently developed and appears unoccupied)

AREA STUDY: U.S. 183/Jollyville Road Area Study

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Monorail Project
 Austin Parks Foundation
 Bull Creek Foundation
 Home Builders of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 Long Canyon Homeowners Association
 North Oaks Neighborhood Association
 Raintree Estates
 Sierra Club, Austin Regional Group
 Spicewood Springs Road Tunnel Coalition
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0148: 11726 Jollyville Road	SF-2, LO to LO	10/02/07: Approved staff's recommendation for LO-CO zoning with 35' height limit (6-0, C. Hammond, B. Baker-absent); J. Shieh-1 st , K. Jackson-2 nd .	11/08/07: Approved LO-CO zoning (7-0); all 3 readings
C14-2007-0123: 11701 Jollyville Road	SF-2 to GR-MU	10/02/07: Approved staff's recommendation for LO-MU-CO zoning (6-0, B. Baker, C. Hammond-absent); K. Jackson-1 st , T. Rabago-2 nd .	11/08/07: Approved ZAP recommendation of LO-MU-CO zoning (6-1, J. Kim-No); 1 st reading 11/29/07: Approved LO-MU-CO zoning by consent (5-0, J. Kim, M. Martinez-off dais); 2 nd /3 rd readings
C14-2007-0082: 11603 Jollyville Road	LO, LR to GR-MU	7/17/07: Approved staff's recommendation of GR-MU-CO zoning with added prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0)	8/23/07: Approved GR-MU-CO zoning on all 3 readings (7-0)
C14-2007-0081: 11625 Jollyville Road	LR-CO to Tract 1: LO, Tract 2: GR-MU	7/17/07: Approved staff's recommendation of LO-CO zoning for Tract 1 and GR-MU-CO zoning for Tract 2 with added prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0)	8/23/07: Approved LO-CO and GR-MU-CO zoning on all 3 readings (7-0)
C14-06-0172: 11601 Jollyville Road	LO to Tract 1(1.570 acres): GR-MU	10/17/06: Approved GR-MU-CO zoning on Tract 1 for an area 866 to 896 ft above sea level and MF-6-CO	1/25/07: Approved GR-MU-CO for Tract 1 and LO-CO for Tract 2 (6-0); all 3 readings

	(for 866 to 896 ft above sea level) and MF-6 (for 896 to 986 ft above sea level) Tract 2 (0.424 acres): LO-MU (an area 120 ft in depth on the site from the property line along Jollyville Road)	zoning for an area 896 to 926 ft above sea level; with conditions of a 60-foot height limit and 2,000 vehicle trip limit and approved LO-MU-CO zoning on Tract 2; with conditions of 2,000 vehicle trip limit, limit site to 'LO' district uses and residential accessory uses/prohibiting dwelling units (9-0) 1/09/07: Approved staff rec. of GR-MU-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with a 2,000 vehicle trip limit per tract (6-0, B. Baker, S. Hale, J. Martinez-absent)	
C14-06-0013: 11819 Pavilion Boulevard	GR, SF-2 to MF-6* *On 4/27/06, the agent requested to amend the case to allow for a 65 foot strip of SF-3 zoning along the southeast property line.	5/02/06: Motion to approve MF-6-CO zoning, with a 60 foot height limit, and SF-3 zoning for an area 65 feet from the southeastern property line (5-3, B. Baker, M. Hawthorne, C. Hammond-No, J. Martinez-absent) Motion made to rescind and reconsider previous action (8-0, J. Martinez-absent); K. Jackson-1 st , B. Baker-2 nd . Motion to deny the applicant's request for MF-6 zoning (6-2, J. Gohil, S. Hale-No, J. Martinez-absent); K. Jackson-1 st , J. Pinnelli-2 nd .	6/22/06: Case withdrawn by applicant
C14-02-0088: 11820 Jollyville Road	LO to LR-CO	6/18/02: Approved staff's recommendation of LR-CO zoning, by consent (8-0, A. Adams-absent)	7/18/02: Approved LR-CO, prohibiting the following uses as offered by the applicant: Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety Services(7-0); all 3 readings
C14-01-0160	LO to GO	Withdrawn by applicant on 12/14/01	N/A
C14-99-0040	SF-2 to GO	4/06/99: Approved staff rec. of LO (9-0)	5/06/99: Approved PC rec. of LO (6-0); all 3 readings
C14-97-0118	SF-2 to SF-3	10/07/97: Approved staff's rec. of SF-3 (8-0)	11/06/97: Approved PC rec. of SF-3 (7-0); all 3 readings
C14-97-0067	LO, SF-2 to LO	7/22/97: Approved staff rec. of LO by consent (8-0)	8/21/97: Approved LO (5-0); all 3 readings
C14-93-0141	SF-2 to GR	11/16/93: Approved LO and GR-CO: On Tract 2 - General Retail Sales (General and Convenience)	12/02/93: Approved LO and GR-CO (7-0); all 3 readings

		uses shall be a max FAR of 13,269 sq. ft.; Restaurant (Drive-in, Fast Food) use shall be a max FAR of 3,163 sq. ft.; Restaurant (General) use shall be a max FAR of 9,735 sq. ft.; Food Sales use shall be a max FAR of 11,259 sq. ft.; Financial Services use shall be a max FAR of 11,500 sq. ft.	
C14-93-0070	LO to LI-PDA	7/20/93: Approved LI-PDA (9-0)	8/05/93: Approved LI-PDA (6-0); 1 st reading 12/16/93: Approved LI-PDA 6-0); 2 nd /3 rd readings
C14-92-0133	SF-2, SF-3, SF-6, LO, GO to MF-2	5/23/93: Approved MF-2 w/ conditions (6-0): limit density to 224 dwelling units; no structure shall be constructed within 50 feet of SF-2 zoning, any structure beyond the 50 foot setback, within 400 feet of Ladera Vista Drive shall not exceed 32 feet in height; allow only emergency access to Taylor Draper Lane; maintain a 50 foot vegetative buffer along Taylor Draper Lane; construct a six foot high privacy fence along Taylor Draper Lane; no structures within 220 feet of Taylor Draper Lane, any structure within 80 feet of the 220 foot setback shall not be 32 feet or higher within said 80 foot strip of land; construct a six foot high privacy fence along the property abutting single-family zoned lots.	6/03/93: Approved MF-2-CO (6-0); 1 st reading 6/10/93: Approved MF-2-CO (5-0); 2 nd /3 rd readings
C14-92-0051	SF-2 to MF-2	8/27/92: Approved MF-2-CO: limit density to 17.3 units per acre, driveway access for the property shall be reviewed and approved at the time of site plan be Transportation review.	9/03/92: Approved MF-2-CO on all 3 readings
C14-90-0056	SF-2 to LO	10/09/90: Approved LO (6-0-2, SR/HG-abstain)	10/18/90: Approved LO (6-0); 1 st reading 1/10/91: Approved LO; 2 nd /3 rd readings
C14-90-0050	LO to LI-PDA	9/11/90: Approved staff rec. of LI-PDA (7-0)	9/13/90: Approved LI-PDA (6-0); 1 st reading 4/25/91: Approved LI-PDA on

C14-89-0024	SF-2, GO to GR	5/23/89: Approved GR & SF-2	2 nd /3 rd readings 6/29/89: Approved GR & SF-2 (6-0); 1 st reading 10/04/90: Approved GR & SF-2 (7-0); 2 nd / 3 rd readings
C14-89-0022	LO to GR	6/27/89: Approved GR-CO and LR w/conditions: No direct vehicular access to Thunder Creek or Stanwood Road; Food Sales use shall be a max FAR of .041 to 1; General Retail Sales (General and Convenience) uses shall be a max FAR of .08 to 1; Restaurant (General and Limited) uses shall be a max FAR of .009 to 1; Restaurant (Drive-In, Fast Food) uses is restricted to a FAR of .003 to 1; FAR calculations shall be based on the combined area of Tract 1 (29.909 acres) and Tract 2 (1.482 acres); uses shall comply with the TIA.	7/27/89: Approved GR-CO and LR w/conditions on 1 st reading 1/18/90: Approved GR-CO and LR-CO on 2 nd /3 rd readings

RELATED CASES: C14-02-0088 (Previous Zoning Case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Jollyville Ave	100'	60'	Arterial	Yes	Yes	392 Braker 982 Pavilion 983 US 183

CITY COUNCIL DATE: November 4, 2010

ACTION:

ORDINANCE READINGS: 1st

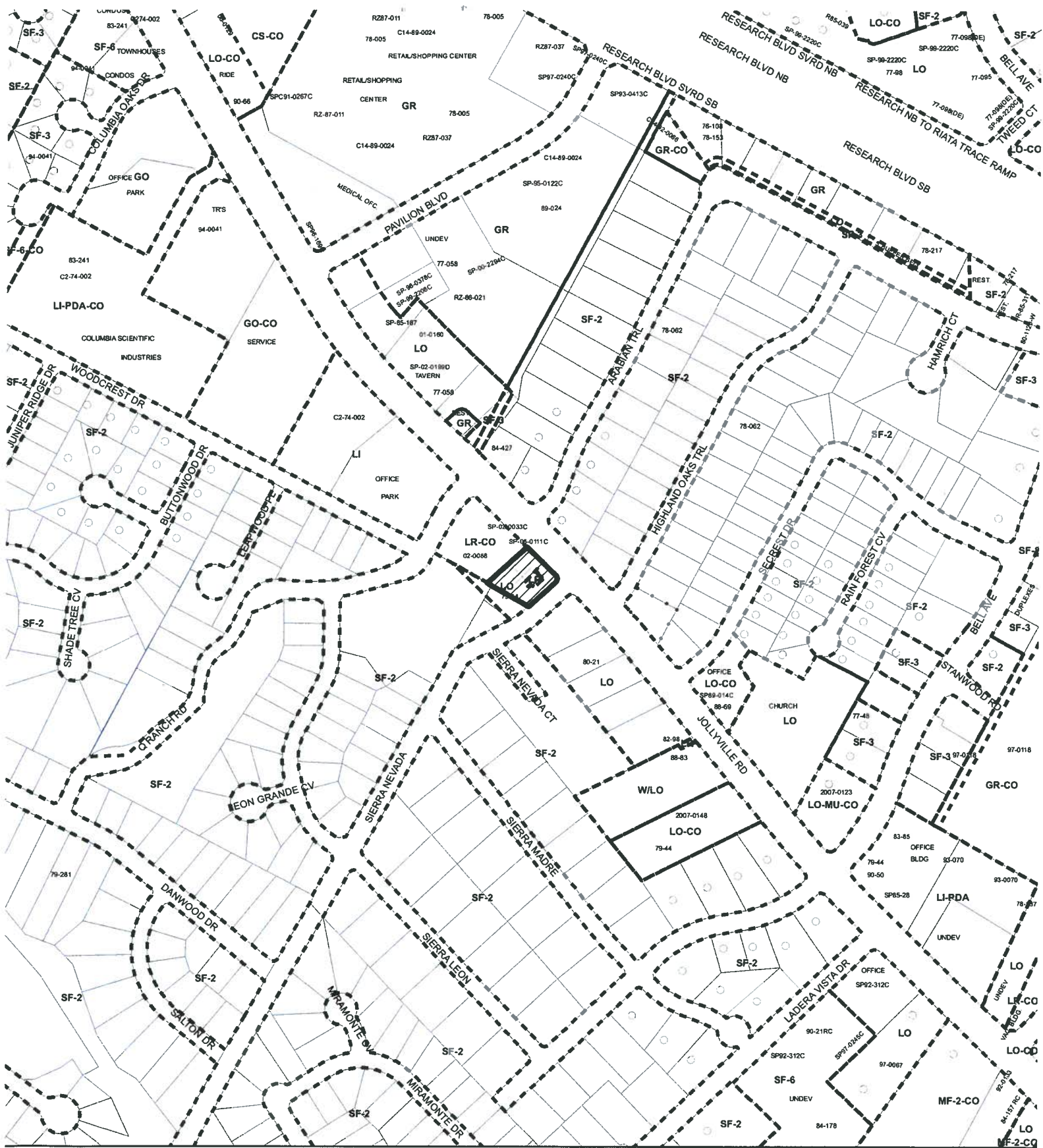
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis




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



ZONING

ZONING CASE#: C14-2010-0146
 LOCATION: 11794 JOLLYVILLE RD
 SUBJECT AREA: 0.49 ACRES
 GRID: H 35
 MANAGER: SHERRI SIRWAITIS



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

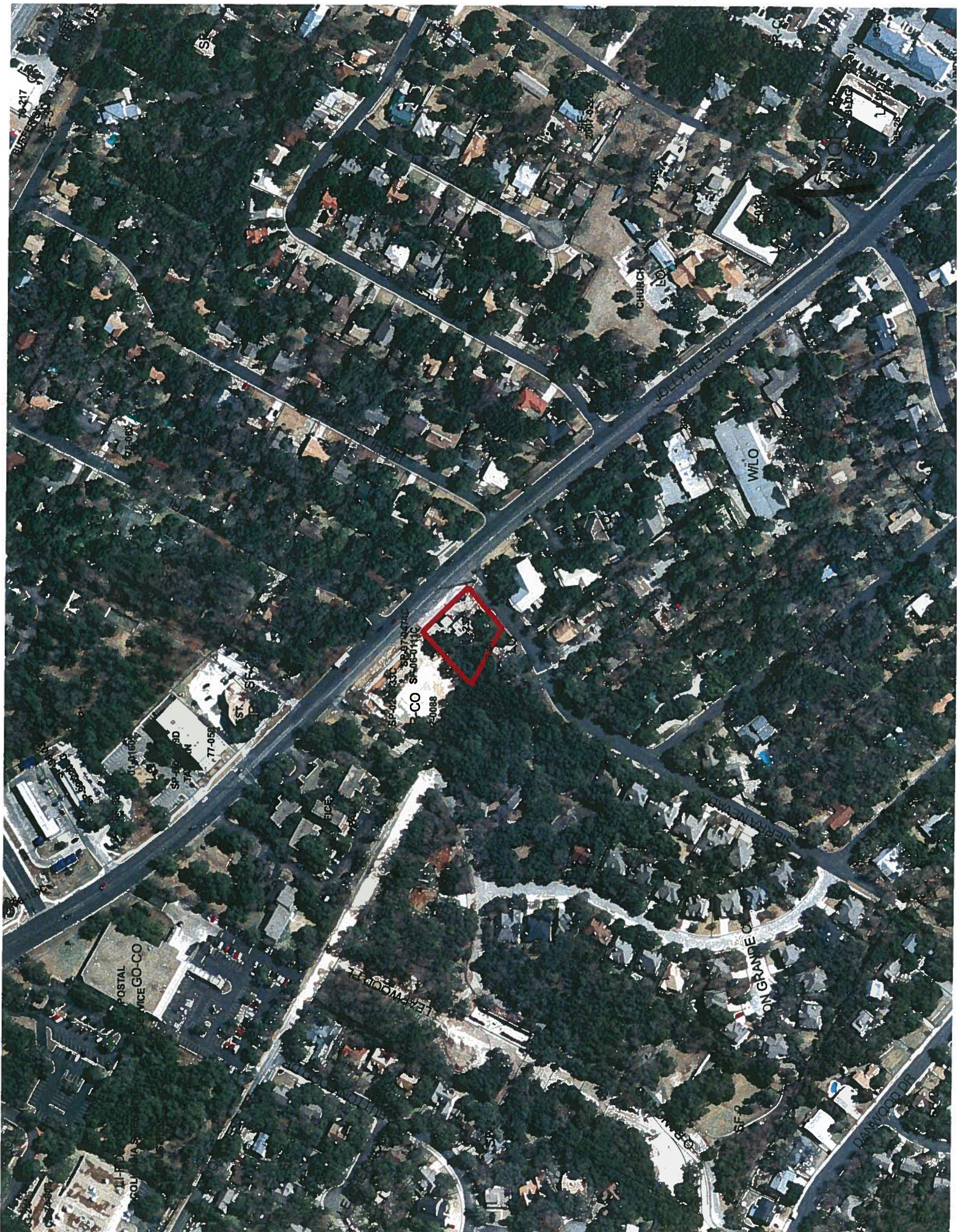
1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



NORTH

81-237
81-44



STAFF RECOMMENDATION

The staff's recommendation is to grant LR-CO (Neighborhood Commercial-Conditional Overlay) zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would prohibit Restaurant (Limited), Counseling Services, Guidance Services, and Safety Services uses on the property.

BASIS FOR RECOMMENDATION

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

The Neighborhood Commercial (LR) district is the designation for shopping facilities that provide limited business service and office facilities to the residents of the neighborhood.

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

The LR-CO zoning district would be compatible and consistent with the surrounding uses because there is existing commercial zoning to the north and office zoning to the south along Jollyville Road.

The property in question is easily accessible because it is located at the intersection of a neighborhood collector and an arterial roadway.

3. *Zoning changes should promote a balance of intensities and densities.*

LR-CO zoning would provide for low intensity commercial and office services to the developed Single-Family Residence (SF-2) areas located to the northeast and southwest.

4. *The proposed zoning should allow for a reasonable use of the property.*

LR-CO zoning district would allow for a fair and reasonable use of the site because the amount of acreage and location of the property meet Neighborhood Commercial district standards.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with a services station/convenience store (Texaco/Food Mart). There are office uses established to the east and west of the property and residential uses to the north and the south.

Environmental

The site is not located over the Edward's 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.

Several trees will likely be impacted with any 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 on this site would be limited by the watershed ordinance.

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.

Any new development will be subject to Subchapter E, Commercial Design Standards.

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]

Capital Metro bus service is available on Jollyville Rd.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Jollyville	100 ft	60 ft.	Minor Arterial	No	Yes	Yes
Sierra Nevada	60 ft.	40 ft.	Collector	No	No	No

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. 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.

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: C14-2010-0146

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Oct. 5, 2010, Zoning & Platting Commission
Nov. 4, 2010, City Council

GERARD GULLIGAN

Your Name (please print)

11600 SIERRA NEVADA AUSTIN 78759

Your address(es) affected by this application

Sherry Sirwaitis

Signature

10/1/2010

Date

Daytime Telephone: 512 918 2826

Comments:

I spoke with Mr. Arami and he agreed to limitations on the future use of the property. The property could not be used for a Restaurant (Drive-in, Fast Food), Counseling Services, Guidance Services, or Safety Services. This would be similar to the restrictions on the neighboring property, Zoning Case 14-02-0088, except that service station is a permitted use.
I also discussed restricting Repair Services with Mr. Arami. He did not agree with this, and I accepted not to restrict this totally, but would like to know if some sort of sub-restrictions could be imposed, such as "no more than 2 repair bays" or "no car washing"

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