

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0156

Z.A.P. DATE: November 2, 2010

ADDRESS: 2609 and 2701 Daisy Drive

OWNER/APPLICANT: Guadalupe Gonzalez

AGENT: CPG Consultants (Candy Moreno)

ZONING FROM: CS

TO: CS-MU

AREA: 0.846 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

11/02/10: Approved the staff's recommendation of CS-MU-CO zoning on consent (7-0);
S. Baldrige, G. Bourgeois-2nd.

DEPARTMENT COMMENTS:

The property in question consists of an undeveloped, grassy lot. The applicant is requesting to rezone the property to add a mixed use overlay because they would like to develop a residence and small business on the site. The staff is recommending CS-MU-CO zoning at this location because the property is located within an area that contains a mixture of residential and commercial uses. The lots surrounding this site to the north, south, east, and west are zoned for GR, Community Commercial District, and CS, General Commercial Services District, uses. Many of these properties are developed with residences, commercial businesses, and/or a combination of these live/work uses. The site under consideration meets the purpose statement and size requirements for the CS-MU zoning district. The proposed zoning would allow the applicant to utilize this tract of land with a combination of residential, office and commercial uses that will be consistent and compatible with the surrounding land uses in this area of the City.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Undeveloped
<i>North</i>	GR	Automotive Repair (Dave's Ultimate Automotive), Construction Sales and Services (Austin Lanehart Electric), Office (The Tez Realty Group, Farmer's Insurance)
<i>South</i>	CS	Manufactured Home
<i>East</i>	CS	Vacant, Single Family House
<i>West</i>	CS	Construction Sales and Services

AREA STUDY: North Lamar Area Study

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Monorail Project
Austin Parks Foundation
Home Builders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
North Growth Corridor Alliance
Round Rock Independent School
Sierra Club, Austin Regional Group
The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0109 (2600 Gardenia Drive)	CS to CS-MU	8/21/07: Approved staff's recommendation of CS-MU-CO zoning with added condition to prohibit drive-in service by consent (7-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	9/27/07: Approved CS-MU-CO zoning by consent (5-0, B. Dunkerley-absent, J. Kim- off the dais)
C14-05-0035 (3101 – 3105 West Howard Lane)	GO to GR	4/19/05: Approved staff's recommendation of GR-CO by consent (7-0, C. Hammond, K. Jackson-absent); J. Martinez-1 st , M. Hawthorne-2 nd .	3/19/05: Approved GR-CO (6-0; Thomas- off dias); 1 st reading 6/09/05: Approved GR-CO by consent(6-0, McCracken-off dias); 2 nd /3 rd readings
C14-03-0188 (13201-13205 Burnet Road)	GO to GR	4/3/04: Approved staff's recommendation of GR zoning, by consent (9-0)	3/4/04: Granted GR zoning (6-0, McCracken-absent); all 3 readings
C14-03-0181 (2401 West Howard Lane)	GR to CS-1	2/3/04: Approved staff recommendation of CS-1-CO zoning, with a 2,000 vehicle trip limit per day (9-0)	3/4/04: Granted CS-1-CO (6-0, McCracken-absent); all 3 readings
C14-00-2205	GR to LI	12/5/00: Approved staff rec. of CS-CO (as amended by applicant) by consent (8-0); conditions as follows: 1) Height limit of 40 feet 2) Prohibit Adult Oriented Businesses 3) 2,000 vehicle trip per day limit	1/18/01: Approved CS-CO w/conditions; (6-0); all 3 readings
C14-00-2112	IP to MF-3	9/19/00: Approved staff alt. rec. of MF-3-CO by consent (9-0)	10/26/00: Approved MF-3-CO on 1 st reading (7-0) 12/7/00: Approved MF-3-CO

			(7-0); 2 nd /3 rd readings
C14-00-2179	IP to SF-2, SF-3, MF-1	10/17/00: Approved staff rec. of SF-2 (TR1), SF-3 (TR 2), and MF-1 (TR3) by consent (8-0)	11/30/00: Approved SF-2-CO (TR1), SF-3-CO (TR2); MF-1-CO (TR3) w/condition of 2,000 vehicle trip per day limit (7-0); all 3 readings
C14-97-0094	CS to CS-MU	8/26/97: Approved CS-MU (9-0)	9/4/97: Approved CS-MU (5-0); all 3 readings
C14-93-0068	R&D, LR to SF-6, MF-1	8/31/93: Approved SF-6-CO, MF-1, and RR (7-0)	10/7/93: Approved SF-6-CO, MF-1, and RR; 1 st reading 12/16/93: Approved SF-6-CO, MF-1, and RR (6-0); 2 nd /3 rd readings
C14-92-0108	IP to MF-3	11/24/92:	12/3/92: Approved MF-3 (6-0-1, RR-abstain); 1 st reading 4/7/94: Approved MF-3-CO (5-0-1, RR-abstain); 2 nd reading 4/21/94: Approved MF-3-CO (5-0-1, RR-abstain); 3 rd reading

RELATED CASES: C14-85-149 (North Lamar Area Study)

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Daisy Drive	50	30	Local	No	No	No

CITY COUNCIL DATE: December 9, 2010

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



STAFF RECOMMENDATION

The staff recommendation is to grant CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

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.

The property in question is located in an area that primarily consists of commercial uses. This site meets the purpose statement and size requirements for the CS-MU zoning district.

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

The proposed zoning will promote consistency and orderly planning because the property is located within an area that contains a mixture of residential and commercial uses. The lots surrounding this site to the north, south, east, and west are zoned for GR and CS district uses. Many of these properties are developed with residences, commercial businesses, and/or a combination of these live/work uses.

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

The CS-MU-CO zoning district would allow for a fair and reasonable use of the site because the property in question meets the minimum lot requirements for the requested zoning designation and because the proposed mixed use combining district will allow the applicant to develop a live/work use on the site that is consistent with the surrounding land uses. The CS-MU zoning is appropriate for this location because it will be compatible with the adjacent residential, office and commercial land uses.

EXISTING CONDITIONS

Site Characteristics

The site consists of an undeveloped, grass covered lot. The properties to the north front West Howard Lane and are developed with automotive repair, construction sales and services, and office uses. The lots to the south contain outdoor storage and manufactured homes. The tract of land to the west appears to have a construction sales and services business. The property to the east is currently undeveloped.

Impervious Cover

The maximum impervious cover allowed by the CS-MU zoning district would be 95%. 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%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is 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.

Site Plan/Compatibility Standards

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards, as it appears there are single family uses to the south. Along all property lines adjacent to single family, the following standards will apply with any future development:

- 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.
- A landscape area 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.
- 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 storm water runoff will be mitigated through on-site storm water 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. However, additional right of way may be required at the site plan or subdivision phase.

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]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Daisy Drive	50	30	Local	No	No	No

Water and Wastewater

The landowner intends to serve the site with City of Austin water utilities and an On-Site Sewage Facility. The landowner, at own expense, will be responsible for providing any water utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water 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 utility tap permit.

FYI. The proposed zoning change is within the City of Austin jurisdiction for on-site sewage facilities. For more information pertaining to the On-Site Sewage Facilities process and submittal

requirements contact Loan Nguyen with the Austin Water Utility, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0261.

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: C14-2010-0156

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 2, 2010, Zoning & Planning Commission

Dec. 19, 2010, City Council

EDMOND THOMAS GAREL

Your Name (please print)

2632 CENTURY PARK BL #73

Your address(es) affected by this application

Edmond Thomas Garel

Signature

Date

Daytime Telephone: 818 590 0441

Comments:

NO - THE MIXED USE
IS EVEN MORE INCOMPATIBLE
THAN THE USES THAT EXIST
NOW. THIS WILL RAISE THE WAY
FOR MORE CHANGES IN USE -
THEY CAN FIND AN AREA SOME-
WHERE ELSE NO!

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

