

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0044.SH – FC North Lamar DISTRICT: 7

ZONING FROM: Tract 1: GR-CO, LO TO: Tract 1: GR-MU-CO*
Tract 2: LO Tract 2: LO-MU

*The applicant is proposing to maintain the existing conditional overlay that was placed on Tract 1 through zoning case C14-05-0066 (Please see current zoning Ordinance No. 20050901-063 – Exhibit C).

ADDRESS: 11704 and 11706 North Lamar Boulevard

SITE AREA: Tract 1: 3.2186 acres
Tract 2: 1.70.14 acres
Total: 4.92 acres (214,315.2 sq. ft.)

PROPERTY OWNER: Mau Tran

AGENT: Civiltude, LLC (Eyad Kasemi)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

The staff recommends GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District, zoning for the Tract 1 and LO-MU, Limited Office-Mixed Use Combining District, zoning for Tract 2. The conditional overlay for Tract 1 will prohibit the following uses:

**Automotive rentals
Automotive sales
Business or trade school
Commercial off-street parking
Financial services
Funeral services
Hotel-motel
Indoor sports and recreation
Outdoor sports and recreation
Pet services
Service station
Community recreation (private)
Congregate living
Guidance services
Private secondary educational facilities**

**Automotive repair services
Automotive washing (of any type)
Business support services
Exterminating services
Food sales
General retail sales (general)
Indoor entertainment
Off-site accessory parking
Pawn-shop services
Research services
Theater
Community recreation (public)
College and University facilities
Hospital services (limited)
Residential treatment**

In addition, drive-in service as an accessory use to restaurant general and limited shall be prohibited.

It is recommended that 70 feet of right-of-way from the existing centerline should be dedicated for North Lamar Boulevard according to the Transportation Plan through a street deed prior to 3rd reading of the case at City Council.*

***The staff received an e-mail from ATD on April 17, 2019 stating that the required ROW dedication for this case has been deferred to subdivision / and or site plan stage.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

April 16, 2019: Postponed to May 7, 2019 at the staff's request by consent (7-0, N. Barrera-Ramirez, B. Evans, A. Tatkow-absent); D. King-1st, S. Lavani-2nd.

May 7, 2019: Approved staff's recommendation of GR-MU-CO zoning for Tract 1 and LO-MU zoning for Tract 2 by consent (9-0, N. Barrera-Ramirez-absent); D. King-1st, A. Tatkow-2nd.

CITY COUNCIL ACTION:

May 23, 2019

ORDINANCE NUMBER:

ISSUES:

The staff sent an Educational Impact Statement to the Pflugerville Independent School District on April 8, 2019 for their review and comment.

CASE MANAGER COMMENTS:

This 4.92 acre property is currently developed with an appliance repair business fronting North Lamar Boulevard. There are two existing one story, single-family homes and a mobile home located on the western portion of this lot. The property was annexed by the city on November 15, 1984 through case C7a-84-019 and the front portion (Tract 1) was rezoned CS-CO in 2005 through case C14-05-0066. The applicant is requesting to add a MU, Mixed Use Combining District, to both tracts to allow for multifamily residential development.

The staff recommends GR-MU-CO zoning for the proposed Tract 1 area and LO-MU for the remaining portion of the site to the west, known as Tract 2. The staff recommends GR-MU-CO zoning for Tract 1 because the proposed zoning will allow for commercial/mixed use development with frontage on North Lamar Boulevard, a major arterial roadway and designated Activity Corridor. The staff's recommendation for the conditional overlay on Tract 1 is consistent with the conditional overlays approved in zoning cases C14-03-0133 and C14-05-0066.

The proposed LO-MU zoning for Tract 2 will provide a transition in the intensity of uses to the west adjacent to the Walnut Creek residential neighborhood. Limited Office-Mixed Use zoning on the western portion of the site will allow for a greater protection of trees and reduced impervious cover along the Walnut Creek tributary.

The requested addition of a MU designation to Tracts 1 and 2 on this property will permit the applicant to develop an up to 100-unit multi-family apartment project over the entire site that will meet S.M.A.R.T Housing Standards; 100 percent of the units will serve households at or below 50 percent MFI (Please see S.M.A.R.T. Housing Certification Letter – Exhibit D).

The North Lamar Area Study recommends LO, Limited Office District, zoning for the properties in this area. However, the North Lamar Area Study has not been strictly upheld along this section of western side of North Lamar Boulevard, as intensive commercial uses have developed along the frontage of this arterial roadway. In addition, the Imagine Austin Comprehensive Plan designates North Lamar Boulevard as an Activity Corridor, which is intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

The Community Commercial (GR) zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The Limited Office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

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

The proposed rezoning is compatible with the commercial/mixed use nature of the area. The recommended GR-MU-CO zoning for Tract 1 will allow for commercial/mixed use development with frontage on North Lamar Boulevard, a major arterial roadway and designated Activity Corridor. There is CS-CO, GR-CO, LO-CO, and LO zoning to the north, LO and MH zoning to the south, LO and SF-1 zoning to the east and SF-2 zoning to the west of this site. Most of the properties along this portion of North Lamar are developed with GR and CS district uses. Surrounding uses include mini-storage (Convenience Storage) and restaurant uses to the north, and office, and mini-storage uses to the east, across N. Lamar Boulevard. There are single family residential uses to the west across the Walnut Creek tributary and to the east, across N. Lamar Boulevard.

The proposed LO-MU zoning for Tract 2 will provide a transition in the intensity of uses to the west adjacent to the Walnut Creek residential neighborhood. Limited Office-Mixed Use zoning will also allow for a greater protection of trees and reduced impervious cover along the Walnut Creek tributary.

3. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

The requested addition of a MU overlay designation to Tracts 1 and 2 on this property will permit the applicant to develop an up to 100-unit multi-family units over the entire site that will meet S.M.A.R.T Housing Standards. This will provide for additional housing opportunities in this area of the City along a designated Activity Corridor.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO, LO	Consumer Repair (Austin Appliance), Two Single-Family Homes, Mobile Home, Billboard
<i>North</i>	CS-CO, GR-CO, LO-CO	Convenience Storage (Watson & Taylor Self Storage), Restaurants (Santorini Café, Balkan Café & Grill), Office, Personal Services (Barber Shop, Foot Heaven), Retail uses
<i>South</i>	LO, MH	Duplexes, Billboard, Office/Warehouse, Mobile Home Park
<i>East</i>	LO	Undeveloped Tract, Convenience Storage, Office
<i>West</i>	SF-2	Walnut Creek, Single-Family Residential Neighborhood

AREA STUDY: North Lamar Area StudyTIA: DeferredWATERSHED: Walnut CreekNEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council
 Austin Independent School District
 Bike Austin
 Friends of Austin Neighborhoods
 Gracywoods Neighborhood Association
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 North Growth Corridor Alliance
 North Park Estates Neighborhood Association
 Pflugerville Independent School District
 River Oaks Lakes Estates Neighborhood
 SELTEXAS
 Sierra Club, Austin Regional Group
 Walnut Creek Neighborhood Association, Inc.
 Yager Planning Area

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0114: 11712 North Lamar Rezoning	LO to CS	10/21/14: Approved staff's recommendation of GR-CO zoning for Tract 1 and LO-CO zoning for Tract 2, adding back General Retail Sales (General) as a permitted use on Tract 1, with ROW dedication condition (5-0, P. Seeger and R. McDaniel-absent); G. Rojas-1 st , J. Goodman-2 nd .	2/26/15: Closed the public hearing and approved general commercial services-conditional overlay (CS-CO) combining district zoning for the front or eastern 630 feet of the property (adjacent to North Lamar Boulevard – Tract 1) and limited office-conditional overlay (LO-CO) combining district zoning for the remaining 100 feet or western portion of the property (adjacent to Walnut Creek – Tract 2) on 1 st reading only. The conditional overlay for Tracts 1 and 2 will limit development on the site to less than 2,000 vehicle trips per day. The CO for Tract 1 will also prohibit the following uses: Agricultural Sales and Services, Alternative Financial Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Business or Trade School, Business Support Services, Campground, Commercial Blood Plasma Center, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Electric Prototype Assembly, Electronic Testing, Equipment Repair Services, Equipment Sales, Exterminating Services, Financial Services, Food Preparation, Food Sales, Funeral Services, General Retail Sales (General), Hotel-Motel, Indoor Entertainment,

			<p>Indoor Sports and Recreation, Laundry Services, Kennels, Monument Retail Sales, Off-Site Accessory Parking, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Pet Services, Plant Nursery, Research Services, Service Station, Theater, Veterinary Services, Custom Manufacturing, Indoor Crop Production, College and University Facilities, Community Recreation (Private), Community Recreation (Public), Congregate Living, Guidance Services, Hospital Services (Limited), Maintenance and Service Facilities, Private Secondary Educational Facilities, Residential Treatment, Adult Oriented Businesses and Drive-in Services as an accessory use to Restaurant (General or Limited) use. In addition, 70 feet of right-of-way should be dedicated from the existing centerline of North Lamar Boulevard through a street deed prior to third reading of the case as City Council in accordance with the Transportation Plan. (9-2, P. Renteria and K. Tovo-No); L. Pool-1st, D. Zimmerman-2nd.</p> <p>4/16/15: Approved CS-CO zoning for Tract 1 and LO-CO zoning for Tract 2 (7-2, K. Tovo and P. Renteria-No, Garza and A. Kitchen-off the dais); L. Pool-1st, D. Zimmerman-2nd.</p>
--	--	--	---

C14-05-0066 (Trans: 11704-11706 North Lamar Boulevard)	LO to GR	7/05/05: Approved GR-CO zoning for Tract 1. The conditional overlay for Tract 1 will prohibit the following uses set out by staff: Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Business or trade school, Business support services, Commercial off-street parking, Exterminating services, Financial services, Funeral services, General retail sales (general), Hotel-motel, Indoor entertainment, Indoor sports and recreation, Off-site accessory parking, Outdoor sports and recreation, Pawn-shop services, Pet services, Research services, Service station, Theater, Community recreation (private & public), Congregate living, College and University facilities, Guidance services, Hospital services (limited), Private secondary educational facilities, Residential treatment and to prohibit drive-in service as an accessory use to restaurant general and limited, 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. Vote: (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 (7-0); 2 nd /3 rd readings
C14-04-0133 (Lamar Zoning: 11800 North	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	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'

Lamar Boulevard)		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 .	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 (Rufi's Taqueria: 11800 North Lamar Boulevard)	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

RELATED CASES:

Previous Zoning Case: C14-05-0066

North Lamar Area Study: C14-85-149

Annexation Case: November 15, 1984: C7A-84-019

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
North Lamar Boulevard	100 feet	65 feet	Arterial	No	Yes, shared lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning request is located on the west side of North Lamar Boulevard, on a 4.915 acre property that contains a used appliance store. The property is located outside the boundaries of a neighborhood planning area. Surrounding land uses include a convenience storage facility, several restaurants, retail uses and a worship center to the north; to the south is vacant land, a mobile home park, and single family housing; to the west is a convenience storage facility, an auto body shop, a medical center and single family housing; and to the west is single family housing. The proposed use is a 100 unit multi-family apartment project that meets S.M.A.R.T Housing Standards; 100 percent of the units will serve households at or below 50 percent MFI.

Connectivity

The Walkscore for this area is 56/100, Somewhat Walkable, meaning some errands can be accomplished on foot. A public sidewalk system is located only intermittently along this portion of North Lamar Boulevard. There are no bike lanes or urban trails located within a quarter of a mile of this site. There is a CapMetro transit stop located 350 ft. away on North Lamar Boulevard. The mobility options in the area are limited, however, the connectivity is excellent. There are a variety of goods and services (retail shops, restaurants and an international grocery store) located within a quarter of a mile of the property.

Imagine Austin

The project is located along an Activity Corridor. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following Imagine Austin Comprehensive Plan policies are applicable to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- HN P1. Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.
- HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.

The Austin Strategic Housing Blueprint, which is an amendment to Imagine Austin, includes goals for affordable housing in every City Council district. Some of these goals include: (1) preventing households from being priced out of the Austin; (2) providing an affordable housing choice; and (3) protecting diverse communities. While this project supports the Austin Strategic Housing Blueprint and is located on an Imagine Austin activity corridor, mobility options in the area are limited. As such, the project only partially supports the policies of the Imagine Austin Comprehensive Plan.

Environmental

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

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 floodplain maps there is no floodplain within or adjacent to the project location. However, COA GIS shows a Critical Water Quality Zone located along the western portion of the property. Construction in the CWQZ is limited per LDC 25-8-261 and 262.

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

At this time, site specific information is unavailable regarding 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

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

Site Plan

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

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

COMPATIBILITY STANDARDS

The site is subject to compatibility standards due to adjacency of SF-2 property to the west and proximity of SF-2 property to the east. 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.
- ☐ 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.
- ☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 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.
- ☐ For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.
- ☐ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Transportation

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day, unless a Traffic Impact Analysis (TIA) is reviewed and approved by the Director of the Austin Transportation Department prior to site plan approval.

It appears a CO of 2,000 trips is existing per ordinance no. 20050901-063. Staff recommends the removal of the 2,000 trip limit conditional overlay for the GR zoning district with this zoning application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113, and/or off-site transportation improvements and mitigations may be required at the time of site plan application per Ordinance No. 20170302-077.

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for North Lamar Boulevard. It is recommended that 70 feet of right-of-way from the existing centerline should be dedicated for North Lamar Boulevard according to the Transportation Plan prior to 3rd reading of City Council. [LDC 25-6-51 and 25-6-55].*

***The staff received an e-mail from ATD on April 17, 2019 stating that the required ROW dedication for this case has been deferred to subdivision / and or site plan stage.**

This project is adjacent to a street that has been identified in Austin's Corridor Mobility Program (North Lamar Boulevard). The sidewalk and bicycle facilities shall comply with the required cross-section for North Lamar Boulevard at the time of the site plan application. Staff will contact Bryan Golden (bryan.golden@austintexas.gov) from Corridor Planning Office and ATD area engineer for proposed improvements for the site plan application. Find additional information about the Corridor Mobility Program here: <https://data.austintexas.gov/stories/s/Corridor-Mobility-Program/gukj-e8fh/>. Any proposed curb relocations on North Lamar Boulevard requires coordination with the Corridor Planning Office and Bicycle Program.

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane for all ages and abilities is recommended for North Lamar Boulevard. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the [Bicycle Master Plan](#) for more information.

FYI – the existing driveways along North Lamar Boulevard will be required to be removed and/or reconstructed and sidewalks shall be constructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

Austin Water Utility

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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

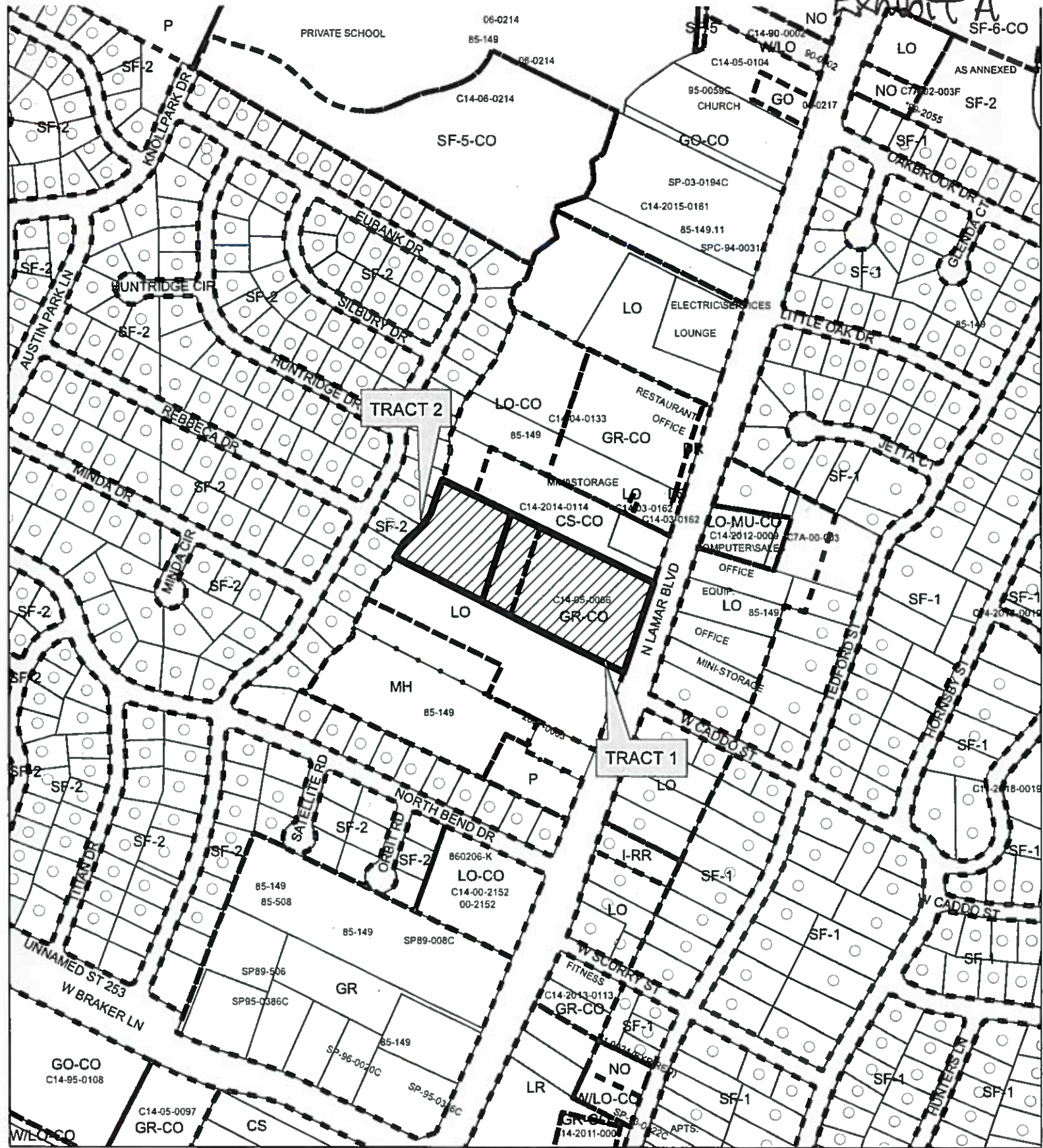
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

Currently, the site is served by an On-Site Sewage Facility. Change of use of the structure will require cutover to the City wastewater system. For more information, contact Paul Kaiser at 512972-0186.




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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Ordinance No. 20050901-063
- D. S.M.A.R.T. Housing Certification Letter
- E. Letter from Neighborhood



1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2019-0044.SH

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 4/23/2019



ORDINANCE NO. 20050901-063

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 11704-11706 NORTH LAMAR BOULEVARD FROM LIMITED OFFICE (LO) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited office (LO) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-05-0066, on file at the Neighborhood Planning and Zoning Department, as follows:

A 2.566 acre tract of land, more or less, out of Lot 7, Frank Stark Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 11704-11706 North Lamar Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. Drive-in service is prohibited as an accessory use to a restaurant (general) use and a restaurant (limited) use.
3. The following uses are prohibited uses of the Property:

Automotive rentals
Automotive sales
Business or trade school
Commercial off-street parking

Automotive repair services
Automotive washing (of any type)
Business support services
Exterminating services

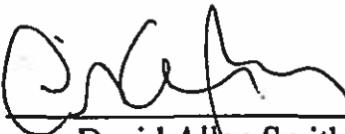
- Funeral services
- Hotel-motel
- Indoor sports and recreation
- Outdoor sports and recreation
- Pet services
- Service station
- Community recreation (private)
- Congregate living
- Guidance services
- Private secondary educational facilities

PART 3. This ordinance takes effect on September 12, 2005.

September 1, 2005

§
§
§


Will Wynn
Mayor

APPROVED: 
David Allan Smith
City Attorney

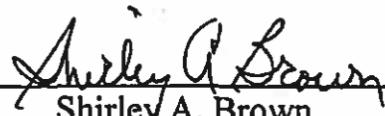
ATTEST: 
Shirley A. Brown
City Clerk

Exhibit "A"

July 22, 2005

FIELD NOTES

FIELD NOTES FOR 2.566 ACRES OUT OF AND PART OF LOT 7, FRANK STARK SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 4, PAGE 199, PLAT RECORDS OF SAID COUNTY, AND BEING OUT OF THAT 4.4380 ACRES OF LOT 7, CONVEYED TO MAU TRAN AND KHANH TRAN BY WARRANTY DEED RECORDED IN DOC# 2004149655, OFFICIAL RECORDS, TRAVIS COUNTY, TEXAS, AND FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING FOR REFERENCE at a Found Iron Rod located on the West R.O.W. of North Lamar Boulevard, also being the most southerly East corner of Lot 8, and the most Northerly East corner of Lot 9, Frank Stark Subdivision, for a corner hereof;

THENCE N 21°19'13" E for a distance of 258.45 feet along the West R.O.W. of N. Lamar Blvd, for a distance of 258.45 feet, to a Found Iron Rod for the most southerly corner of Lot 7, for the POINT OF BEGINNING;

THENCE N 61°35'00" W along the common dividing line of Lot 7, and Lot 8 of the aforementioned subdivision, for a distance of 400.00 feet to a Point, for the most southerly west corner of the herein described tract, from which point, the S.E. corner of Lot 7, bears N 61°35'00" W, 303.20 feet, for the S.W. corner hereof;

THENCE leaving the south line of Lot 7, and passing through the interior of Lot 7, N 20°35'00" E for a distance of 282.10 feet to a Point in the North line of Lot 7 and the South line of Lot 2, of The Resub. of Lot 6, Frank Stark Sub. a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 51, Page 88, Plat Records, from which point, the N.W. corner of Lot 7 bears N61°35'00" W, 338.20 feet, for the N.W. corner hereof;

THENCE S 61°35'00" E along the common line of Lot 7, and the aforementioned Lot 2, a distance of 400.00 feet to a Found Iron Rod in the West R.O.W. of N. Lamar Blvd. for the N.E. corner hereof;

THENCE S 20°35'00" W along the North R.O.W. of N. Lamar Blvd. for a distance of 282.10 feet to the POINT OF BEGINNING, containing 2.566 acres of land.

I, the undersigned do hereby certify the the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.


Thomas P. Dixon R.P.L.S. 4324



Waterloo Surveyors Inc.
SURVEY PLAT
Exhibit "A"

J10435A1

OWNER: A
MAU TRAN AND KHANH H. TRAN
ADDRESS:
11704 & 11706 NORTH LAMAR BOULEVARD

LINE	DIRECTION	DISTANCE
L1	N 32°13'48" E	33.87'
L2	N 32°13'48" E	16.88'
L3	N 50°45'48" E	69.80'
L4	N 39°17'48" E	56.40'
L5	N 22°12'42" E	24.43'
L6	N 15°54'20" E	21.02'
L7	N 22°23'17" E	64.43'

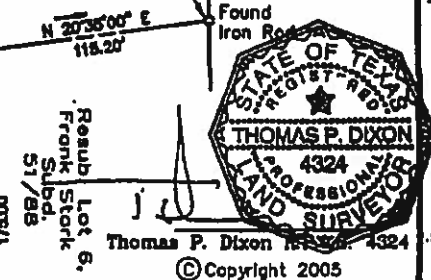
LEGAL DESCRIPTION:

BEING 2.566 ACRES, MORE OR LESS, OUT OF LOT 7, FRANK STARK SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 199, PLAT RECORDS, TRAVIS COUNTY, TEXAS, FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS ATTACHED IN EXHIBIT "B", AND MADE A PART HEREOF.

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the ground on the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon, dated this the 27TH day of JULY 2004.

and I further certify that the property surveyed hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD flood hazard boundary map revised as per map Number: 48453C0115 E
Zone X Dated: 06/16/93



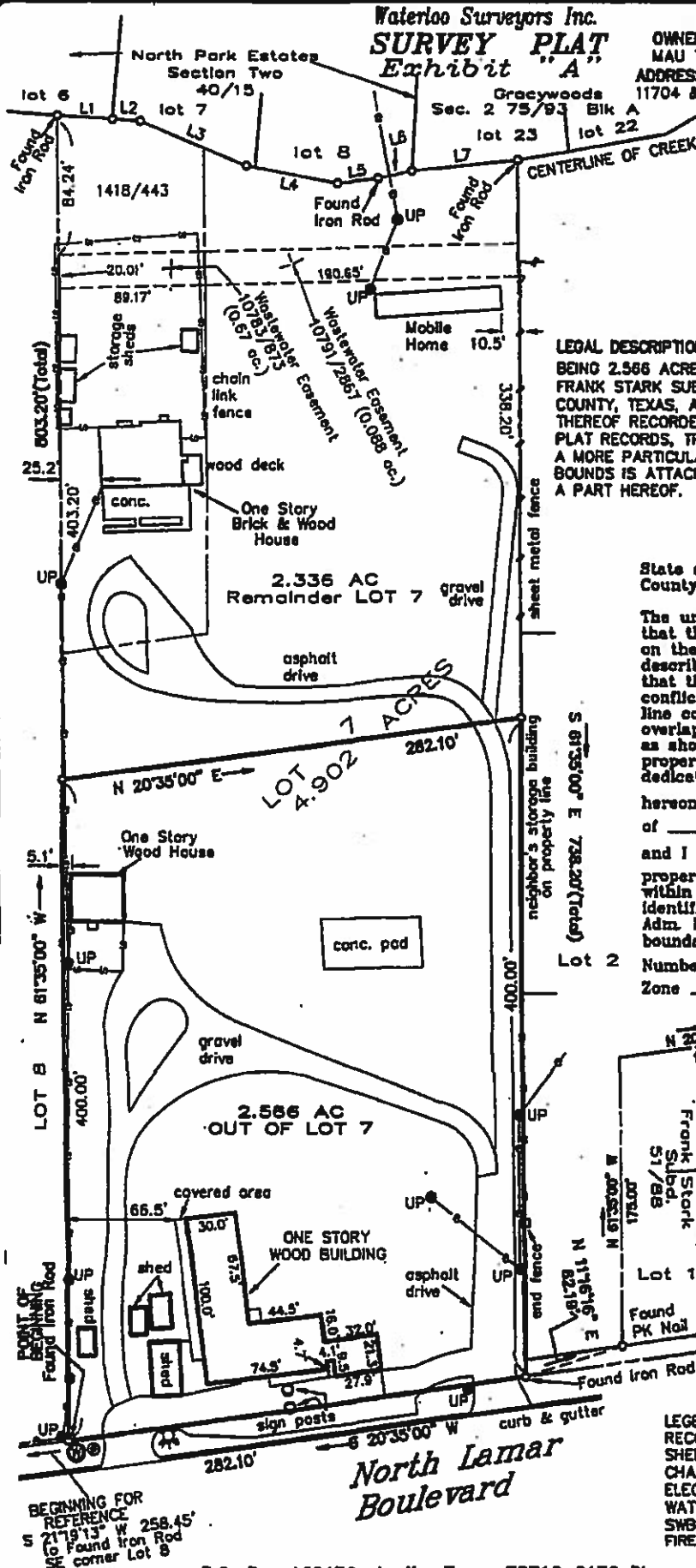
SCALE
1"=60'

LEGEND

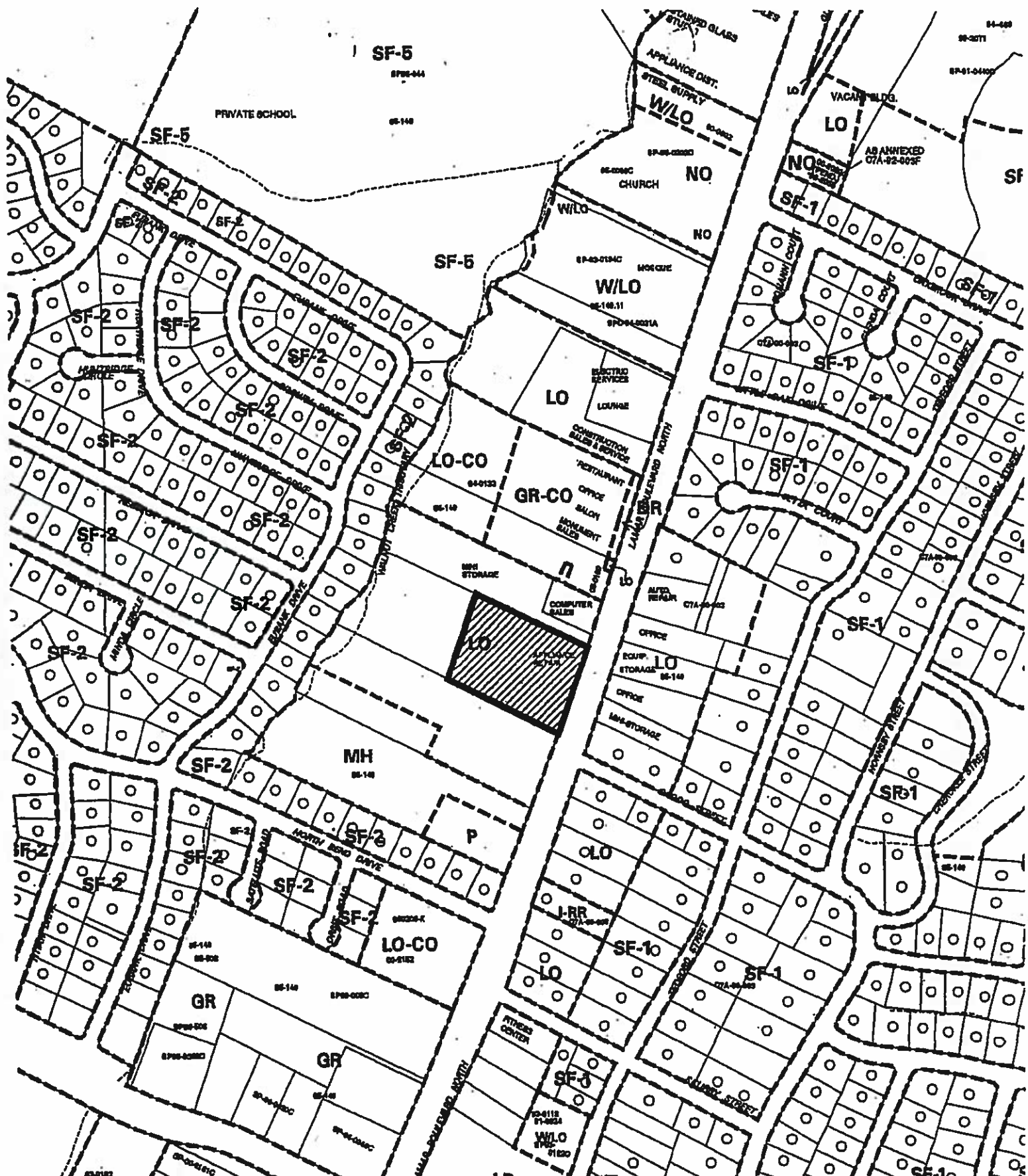
- RECORD CALL ()
- SHEET METAL FENCE ————
- CHAIN LINK FENCE ————
- ELECTRIC LINE/POLE ————
- WATER METER (M)
- SWR BOX (X)
- FIRE HYDRANT (H)

Revised 07/22/05

P.O. Box 160176, Austin, Texas 78716-0176 Phone: 481-9602



BEGINNING FOR
REFERENCE
S 21°19'13" W 258.45'
to Found Iron Rod
SE corner Lot 8



 1" = 400' MEDICAL RD	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: T. BOLT	 	CASE #: C14-05-0066 ADDRESS: 11704-11706 N LAMAR BLVD SUBJECT AREA (acres): 2.566	DATE: 05-07 INTLS: SM	CITY GRID REFERENCE NUMBER M32
	ZONING EXHIBIT B				



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

February 11, 2019

S.M.A.R.T. Housing Certification-
Foundation Communities, Inc. –Foundation Village – N Lamar Blvd – Project ID 640

TO WHOM IT MAY CONCERN:

Foundation Communities, Inc. (development contact: Walter Moreau: 512-610-4016; walter.moreau@foundcom.org) is planning to develop the Foundation Village, an 88 unit multi-family development at 11704 and 11706 N Lamar Blvd, Austin TX 78753. The project is subject to a 5 year affordability period after issuance of certificate of occupancy, unless project funding requirements are longer.

The applicant has submitted evidence that they have contacted the Gracywood's Neighborhood Association President. The applicant indicated they are in the process of addressing neighborhood residents concerns.

Neighborhood Housing and Community Development (NHCD) certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 100% of the units will serve households at or below 50% MFI, the development will be eligible for 100% waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance. The unit mix is as follows: 20% of the units (18 units) will serve households at or below 30% Median Family Income (MFI); 30% of the units (26 units) will serve households at or below 40% Median Family Income (MFI); and 50% of the units (44 units) will serve households at or below 50% Median Family Income (MFI). The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees	Site Plan Review	Land Status Determination
Building Permit	Misc. Site Plan Fee	Building Plan Review
Concrete Permit	Construction Inspection	Parkland Dedication (<i>by separate ordinance</i>)
Electrical Permit	Subdivision Plan Review	
Mechanical Permit	Misc. Subdivision Fee	
Plumbing Permit	Zoning Verification	

Prior to issuance of building permits and starting construction, the developer must:

- Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or greenbuilding@austinenrgy.com).
- Submit plans demonstrating compliance with the required accessibility or visitability standards.

Before a Certificate of Occupancy will be granted, the development must:

- Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- Pass a final inspection to certify that the required accessibility or visitability standards have been met.
- An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.974.3128 or by email at Sandra.harkins@austintexas.gov if you need additional information.

Sincerely,



Sandra Harkins, Project Coordinator
Neighborhood Housing and Community Development

Cc: Rosa Gonzales, AE Ellis Morgan, NHCD Jonathan Orenstein, AWU
Melanie Montez, ORS Mashell Smith, ORS

Sirwaitis, Sherri

Subject: FW: FC N Lamar, Rezoning Case No. C14-2019-0044.SH aka 2019-029919 ZC, posted for 16 April 2019 ZAP

-----Original Message-----

From: Robert Meadows <>

Sent: Monday, April 15, 2019 12:53 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Cc: Walnut Creek Board of Directors Listserve <wcnabod@yahoogroups.com>; Denkler, Ann - BC <bc-Ann.Denkler@austintexas.gov>

Subject: FC N Lamar, Rezoning Case No. C14-2019-0044.SH aka 2019-029919 ZC, posted for 16 April 2019 ZAP

Dear Sherri,

The Board of Directors of the Walnut Creek Neighborhood Association (WCNA) voted at its meeting of Wednesday, 3 April 2019, to SUPPORT this rezoning, per the terms in the Zoning Change Review Sheet.

The WCNA Board strongly supports the Foundation Village development from Foundation Communities, and thus supports this rezoning as one step in that development process.

An 88-unit development for that parcel seems to be a reasonable and prudent outcome.

Thanks to the staff for the overlay listing, which is clear and comprehensive, and thanks in particular for the clear listing of the compatibility standards.

Best regards,
Robert Meadows
President, 2019-2020, Walnut Creek Neighborhood Association, Inc.

--

Robert L. Meadows
dba The R. M. Meadows Company
voice: 512 339 0229
email:
12005 Presa Drive, Austin, Texas 78753 USA

Sirwaitis, Sherri

Subject: FW: rezoning requests (x2): C-14-2019-0044.SH; and C14-2019-0016

From: Doug Dixon <>

Sent: Saturday, April 27, 2019 1:03 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: rezoning requests (x2): C-14-2019-0044.SH; and C14-2019-0016

Dear Ms. Sirwaitis:

We have received several rezoning requests of late. We have concerns about these on several fronts. First, the "0044.SH" request does not clarify what the rezoning is for specifically, other than mixed use, and since a second request "0016" is moving to rezone for MH, we quite naturally (living right on the other side of the creek) are concerned that we will soon be living across from a massive bunch of low-cost housing developments! Our neighbors and I would like some clarification as to what all this rezoning is about. Third, we are experiencing a massive increase in road traffic due to apt developments along north Lamar, right outside our neighborhood. In the morning, it's almost impossible to get out of the neighborhood due to a long line of traffic blocking our exit from North Bend. The light serves NO function due to the overabundance of cars, and this only promises to get worse as new developments--apt or MH--are permitted along this thin stretch of Lamar (between Breaker Ln and Parmer Ln.). I suggest the zoning dept. take these legitimate concerns into account before rezoning such properties. Do your homework: acceptable zoning requires livable spaces. Piling residents upon residents in high traffic and high density spaces is NOT the way to go for this strip.

Sincerely,

Doug Dixon