

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-11  
AGENDA DATE: Thu 01/13/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0174 - Lyly Fisher Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11920 North IH-35 Service Road Southbound (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial services-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial services-conditional overlay (GR-CO) combining district zoning. Applicant: Lyly Fisher. Agent: The Hertz Corporation (Paul Wucker). City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-04-0174

**Z.A.P. DATE:** November 16, 2004  
December 7, 2004

**C.C. DATE:** January 13, 2005

**ADDRESS:** 11920 N. IH 35 Service Road Southbound

**OWNERS:** Lyly Fisher

**AGENT:** The Hertz Corporation (Paul Wucker)

**ZONING FROM:** LO

**TO:** GR

**AREA:** .39 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff's alternate recommendation is community commercial -- conditional overlay (GR-CO) combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

November 16, 2004 -- Postponed to December 2, 2004 at the request of the neighborhood (Vote: 9-0).

December 7, 2004 -- Approved community commercial -- conditional overlay (GR-CO) combining district zoning. The conditional overlay limits trips to 2,000 per day and limits the site to automotive rentals only and all LO uses (Vote: 8-0, C. Hammond -- ineligible to vote).

**ISSUES:**

The applicant is seeking a zoning change in order to use an existing office building for an auto rental business.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Vacant office building
<i>North</i>	LO	Office and Equipment rental
<i>South</i>	CS LO	Limo rental Office
<i>East</i>	Not zoned	IH-35
<i>West</i>	SF-1	Single family

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

#051 – Northeast Walnut Creek Neighborhood Association  
#085 – Walnut Creek Neighborhood Association  
#114 – North Growth Corridor Alliance  
#511 – Austin Neighborhoods Council  
#643 – Northeast Action Group  
#937 – Taking Action Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-98-0149	LO to GR	Approved GR-CO. The CO prohibited several uses and limited the property to LO development regulations (Vote: 6-0). 10/27/98.	Withdrawn before being considered by Council on 12/10/98
C14-02-0075	SF-1 to SF-3	Approved SF-3-CO. The CO limits the property to one duplex (Vote: 5-2). 7/23/02	Denied SF-3-CO (Vote: 5-2). 1/16/03.

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
IH-35 North	Varies	Varies	Freeway

**CITY COUNCIL DATE:** January 13, 2004**ACTION:****ORDINANCE READINGS:** 1st2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



City of Austin  
Infrastructure  
Support Services



Case C14-04-0174

Base



This map has been prepared by the City of Austin as a planning tool and is not warranted for any other use. The City of Austin does not warrant the accuracy or completeness of the information contained herein. The City of Austin is not responsible for any errors or omissions in this map. The City of Austin is not responsible for any damages or losses resulting from the use of this map. The City of Austin is not responsible for any damages or losses resulting from the use of this map.

## **STAFF RECOMMENDATION**

Staff's alternate recommendation is community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day.

## **BASIS FOR RECOMMENDATION**

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

GR – Community Commercial zoning is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

The property meets the purpose statement set forth in the Land Development Code. It is located on the periphery of a residential neighborhood and is accessible to IH-35.

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

Other properties in the immediate vicinity are zoned commercial or used for commercial businesses. The property to the south is zoned CS and is used for limo rentals, and property to the north is occupied with an equipment rental business. Given the uses in the immediate vicinity, staff believes the request to be consistent and compatible with the area.

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

The proposed change is a fair and reasonable use of the property, due to the commercial nature of the area and the properties close proximity to IH-35.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with an office building.

### **Transportation**

The trip generation under the requested zoning is estimated to be 2,190 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

Additional right-of-way may be required at the time of subdivision and/or site plan.

Capital Metro bus service is available along IH-35

### **Impervious Cover**

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. 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%

### **Environmental**

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.

At this time, site specific information is unavailable regarding existing trees and 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.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City.

### **Compatibility Standards**

This tract is already developed and the proposed zoning change is a footprint within the existing development. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-2 zoned property to the east and SF-1 to the south & west, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the south, east and west property line, 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.
  - 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.



**C I T Y ZONING AND PLATTING  
C O M M I S S I O N  
December 7, 2004 [ANNOTATED]  
One Texas Center  
505 Barton Springs Road  
Conference Room 325**

CALL TO ORDER – 6:00 P.M.

**COMMENCED: 6:10 P.M.**

**ADJOURNED: 8:45 P.M.**

\_\_\_\_\_ Betty Baker - Chair  
\_\_\_\_\_ John Philip Donisi  
\_\_\_\_\_ Jay Gohil  
\_\_\_\*\_\_\_ Clarke Hammond – Secretary

\_\_\_\_\_ Melissa Whaley Hawthorne- Assist. Sec.  
\_\_\_\_\_ Keith Jackson - Parliamentarian  
\_\_\_\_\_ Joseph Martinez – Vice-Chair  
\_\_\_\_\_ Janis Pinnelli  
\_\_\_\_\_ Teresa Rabago

\* Ineligible to vote

**CONDUCT OF PUBLIC HEARINGS**

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

**CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK).**

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

- 10. Rezoning:** **C14-04-0183 - Escalon at Canyon Creek Apartments**  
 Location: 9715 & 9901 R.M. 620 North, Bull Creek Watershed  
 Owner/Applicant: A. G. S. The Spanos Corporation (Jim Norman)  
 Agent: Huffcut & Associates, Inc. (Mike Wilson)  
 Request: I-RR to MF-3  
 Staff Rec.: **Alternate Recommendation: MF-3-CO**  
 Staff: Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***CONTINUED TO 12/21/04 (ZAP)***

***\*PUBLIC HEARING REMAINED OPEN***

***[M.W; J.M 2<sup>ND</sup>] (8-0) C.H – INELIGIBLE TO VOTE***

- 11 Rezoning:** **C14-04-0140 - Swafford**  
 Location: 2108 Kinney Avenue, West Bouldin Creek Watershed  
 Owner/Applicant: Clarence Jacobson  
 Agent: Crocker Consultants (Sarah Crocker)  
 Request: From SF-3 to NO  
 Prev.Postponements 11/16/04  
 Staff Rec.: **Not Recommended**  
 Staff: Tom Bolt, 974-2755, thomas.bolt@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***APPROVED NO-CO ZONING; LIMITED TO 100 TRIPS PER DAY; SF-3 DEVELOPMENT REGULATIONS; RESTRICTED NO (NEIGHBORHOOD OFFICE) USES; ADD DAYCARE AS A PROHIBITED USE TO THE LIST; DELETE SPECIAL HISTORIC USES FROM THE LIST OF CONDITIONS.***

***[K.J; M.W 2<sup>ND</sup>] (6-2) J.D, J.M – NAY; C.H – INELIGIBLE TO VOTE***

- 12 Zoning:** **C14-04-0174 - Hertz Local Edition Braker Lane**  
 Location: 11920 IH-35 South, Walnut Creek Watershed  
 Owner/Applicant: Lyly Fisher  
 Agent: Hertz Corporation (Paul Wucker)  
 Prev.Postponements 11/16/04 (Req. by Neighborhood)  
 Request: LO to GR, Staff's alternate recommendation is GR-CO  
 Staff Rec.: **RECOMMENDED**  
 Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austihn.tx.us

***APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING; AUTO RENTAL AS THE ONLY GR USE; ALL LO USES PERMITTED; RESTRICTIVE COVENANT TO BE DISCUSSED BETWEEN THE APPLICANT & NEIGHBORHOOD.***

***[K.J; J.M 2<sup>ND</sup>] (8-0) C.H – INELIGIBLE TO VOTE***