

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



**AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 02/10/2005
PAGE: 1 of 1**

SUBJECT: C14-04-0140 - Swafford - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2108 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (NO-CO) combining district zoning. Applicant: Clarence Jacobson. Agent: Crocker Consultants (Sarah Crocker). City Staff: Tom Bolt, 974-2755.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0140

Z.A.P. DATE:

November 16, 2004

December 07, 2004

CITY COUNCIL:

January 13, 2005

January 27, 2005

February 10, 2005

ADDRESS: 2108 Kinney Ave

OWNER/APPLICANT: Clarence Jacobson

AGENT: Crocker Consultants (Sarah Crocker)

ZONING FROM: SF-3

TO: NO

AREA: .15 acres - 6,853 Sq. Ft.

SUMMARY STAFF RECOMMENDATION: Staff does not recommend rezoning the subject property from family residence district (SF-3) to neighborhood office district (NO).

ZONING AND PLATTING COMMISSION RECOMMENDATION:

APPROVED NO-CO ZONING; RESTRICTED NO (NEIGHBORHOOD OFFICE) USES; LIMITED TO 100 TRIPS PER DAY; SF-3 DEVELOPMENT REGULATIONS; ADD DAYCARE, BED AND BREAKFAST, SAFETY SERVICES, COUNSELING SERVICES, COMMUNICATION SERVICE FACILITIES, FAMILY HOME, PRIVATE AND PUBLIC EDUCATIONAL SERVICES, COMMUNITY RECREATION, CONGREGATE LIVING, GROUP HOME CLASS III, LOCAL UTILITY SERVICES AS PROHIBITED USES [K.J; M.W 2ND] (6-2) J.D, J.M – NAY; C.H – INELIGIBLE TO VOTE

DEPARTMENT COMMENTS:

The subject property is adjacent to LO zoned property with Multi-family development to the south and single family zoned and used properties to the north, east, and west. This property if zoned and developed for commercial uses would be situated between a multifamily residential use and single-family use along Kinney Avenue.

This property is located in the proposed Zilker Neighborhood Planning Area. Staff anticipates that the Zilker Neighborhood Planning process will begin in August of 2005.

ISSUES:

Subsequent to the Planning Commission hearing a petition was filed in opposition to the zoning request representing 26.22% of the total area within 200' of the subject tract. The petition was validated on January 27, 2005.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	SINGLE FAMILY RESIDENTIAL
<i>North</i>	SF-3	SINGLE FAMILY RESIDENTIAL
<i>South</i>	LO	MULTI-FAMILY RESIDENTIAL
<i>East</i>	R.O.W. & CS & SF-3	SINGLE FAMILY, FURNITURE SALES, AND MISC SHOPS
<i>West</i>	SF-3	SINGLE FAMILY RESIDENTIAL

AREA STUDY: N/A

TIA: No

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

#107 Zilker Neighborhood Association
#426 Barton Springs/Edwards Aquifer Conservation District
#498 South Central Coalition
#511 Austin Neighborhoods Council
#926 South Lamar Neighborhood Association
#943 Save Our Springs Alliance

SCHOOLS:

Zilker Elementary
Becker Elementary
Porter Middle School
Filmore Middle School

CASE HISTORIES: N/A

RELATED CASES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	NAME
Kinney Avenue	70'	Varies	Collector	Kinney Avenue

CITY COUNCIL DATE: January 13, 2005
January 27, 2005

ACTION: Postponed until January 27, 2005
Postponed until February 10, 2005

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Tom Bolt
Thomas.Bolt@ci.Austin.tx.us

PHONE: 512.974.2755



 1" = 400'	SUBJECT TRACT	 	ZONING		CITY GRID REFERENCE NUMBER H20
	PENDING CASE		CASE #: C14-04-0140		
	ZONING BOUNDARY		ADDRESS: 2108 KINNEY AVE		
	CASE MGR: T. BOLT		DATE: 04-09		
	SUBJECT AREA (acres): 0.150		INTLS: SM		



City of Austin

C14-04-0140

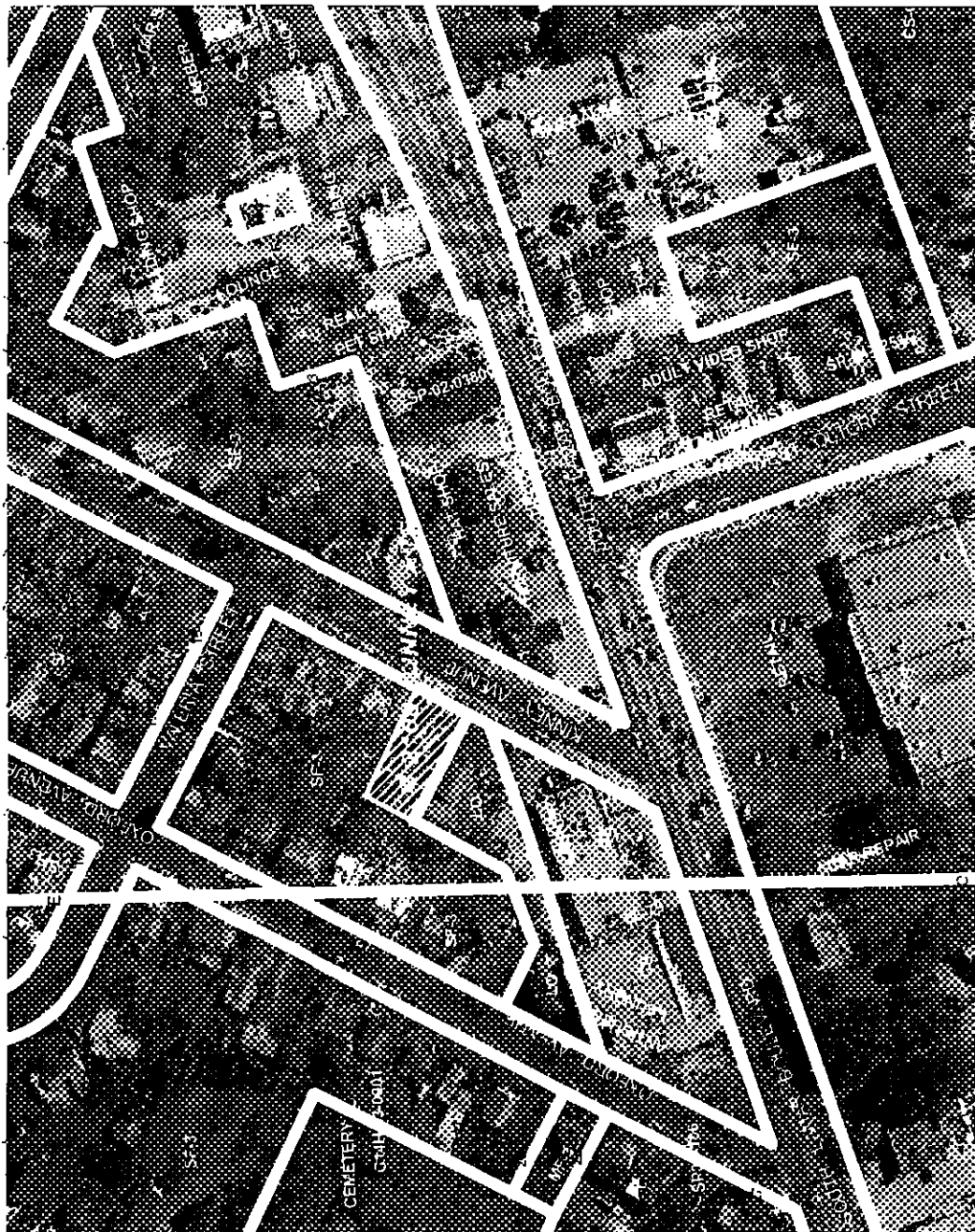
2108 KINNEY AVE

ZONING REQUEST: FROM SF-3 TO NO

OWNER: CLARENCE JACOBSON

AGENT: CROCKER CONSULTANTS

Zoning
Subdivision
Basepoly
Center line



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STAFF RECOMMENDATION

Staff does not recommended rezoning the subject property from family residence district (SF-3) to neighborhood office district (NO)

BACKGROUND

The property owner proposes to convert the existing single family dwelling into a small business office with parking located on site. Staff is not aware of any variance or waiver requests associated with this request. The property is situated adjacent to SF-3 zoning districts to the north and west, which would trigger compatibility standards for development of driveways and the required on-site parking area. The applicant also proposes that the following uses be prohibited: Bed and Breakfast, Safety Services, Counseling Services, Communication Service Facilities, Family Home, and all Conditional Uses, listed in the NO zoning district. The property to the north and west are established single-family residences. The property situated to the south is zoned Limited Office district (LO) but developed as multi-family. On the other side of Kinney Ave is a mix of commercial uses fronting on Lamar Blvd. and single-family residences facing Kinney Ave.

BASIS FOR RECOMMENDATION

Zoning changes should promote compatibility with adjacent and nearby uses.

The proposed zoning would allow a commercial use between two residential uses. The property to the west is zoned LO but used for multi-family. The property to the north, west and east is zoned and used as single family.

The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.

Based on current land uses in the area, Neighborhood Office district designation is inappropriate when situated between two residential land uses regardless of base district zoning.

Zoning should be consistent with approved and existing residential densities.

The generally accepted standard of establishing multifamily uses between more intense commercial districts and single-family residential districts have been established in this area. If approved the proposed zoning will allow commercial development to reach further into the residential area of this neighborhood.

No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.

There has been no rezoning activity in close proximity within the last several years, establishing the viability of the neighborhood with existing zoning classifications.

Zoning changes should promote an orderly relationship among land uses.

Approval of NO zoning on this property would allow a commercial entity to occupy a property located between a multi-family and single-family residence. The properties to the north, west and east are zoned SF-3.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with a single-family residence.

Impervious Cover

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone/Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Note: The most restrictive impervious cover limit applies.

Environmental

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals that would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

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.

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

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.

Transportation

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

The trip generation under the requested zoning is estimated to be 73 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).

Capital Metro bus service is available along Lamar Boulevard.

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]

Water and Wastewater

The landowner intends to serve each lot with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and 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 and specifications.

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.

Compatibility Standards

Redevelopment of this property for commercial uses will trigger compatibility standards. Additional setbacks to buildings and other structures, drives and parking areas. Additional landscaping may be required to screen adjacent residential uses.

PETITION

Case Number:

C14-04-0140

Date:

JAN.27,2005

Total Area within 200' of subject tract: (sq. ft.)

197,976.22

1	04-0107-0806	Hix Austin PropertiesLP	11,902.48	6.01%
2	04-0107-0705	Howse,George	2,474.00	1.25%
3	04-0107-0706	Guillory,Robert	1,828.00	0.92%
4	04-0107-0805	Slie,Brian	7,635.00	3.86%
5	01-0006-1201	McCarty, Gabriel	7,964.00	4.02%
6	01-0006-1208	Kavanaugh,Edna	8,013.00	4.05%
7	01-0006-1210	Salzer,Susan	12,096.00	6.11%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
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16				0.00%
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32				0.00%
33				0.00%
34				0.00%
35				0.00%

Validated By:

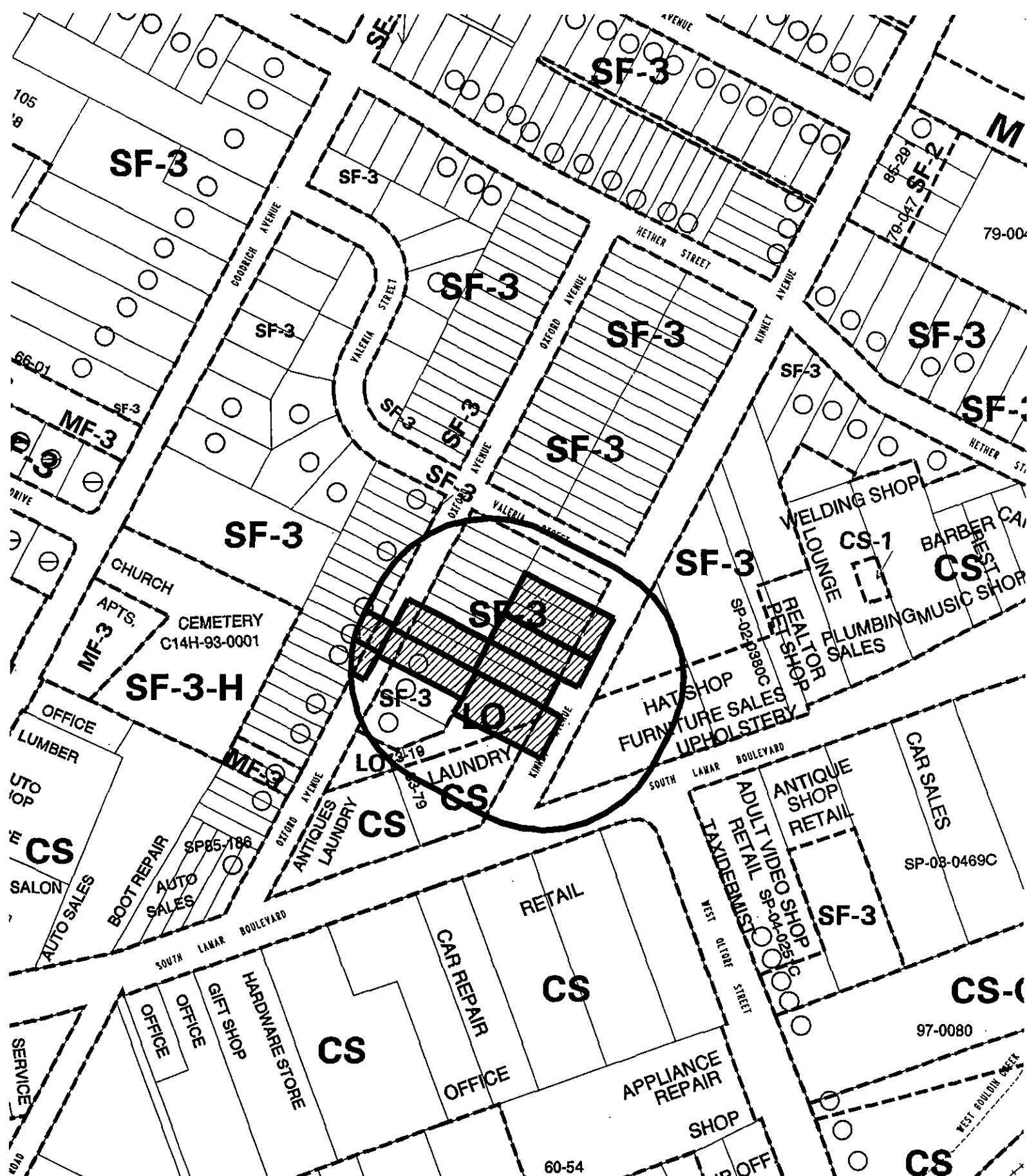
T.R.Castro

Total Area of Petitioner:

51,912.48

Total %

26.22%



 1" = 200'	SUBJECT TRACT		PETITIONS CASE #: C14-04-0140 ADDRESS: 2108 KINNEY AVE SUBJECT AREA (acres): 0.150	DATE: 05-01 INTLS: SM	CITY GRID REFERENCE NUMBER H20
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: T. BOLT				

PETITION

Date:

File Number: C14-04-0140

Address of Rezoning Request: 2108 Kinney Avenue

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than Family Residence District, SF3.

The requested change to Neighborhood Office District would place a business use between two existing residential uses, encroaching on the single-family neighborhood to the north and adding to the existing parking and traffic problems to the south. According to city staff, an NO District is appropriate for streets "with a minimum of 40 feet of pavement width, and would not unduly affect traffic." Kinney is only 30 feet wide, and traffic would be unduly affected. The new business use would also compete with the surplus of office space that is already available on South Lamar. It would fill no neighborhood or community needs that are not already available in abundance.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Susan Salyer SUSAN SALTER 2104 KINNEY AVE. AUSTIN, TX. 78704

Dominic Kavanagh Dominic Kavanagh 2106 Kinney Ave. 78704

Gabriel McIntyre Gabriel McIntyre 2107 Oxford Ave

Brian Sie Brian Sie 2111 Oxford Ave 78704

Rosent Guillory Rosent Guillory 2108 Oxford Ave 78704

George Prosser George Prosser 2106 Oxford Ave 78704

Edward Deeters Edward Deeters 2100 Kinney Ave 78704

Julia S. Hix Julia S. Hix 2110 Kinney Ave 78704

Date: January 26, 2005

Contact Name: Lorraine Atherton (Zilber NA)
Phone: 447-7681

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Zilker Neighborhood Association

P.O. Box 33546 ♦ Austin, TX 78764-0546 ♦ 512-447-7681

November 12, 2004

City of Austin
Neighborhood Planning and Zoning Department
Thomas Bolt
P.O. Box 1088
Austin TX 78767-8810

Re: Case Number C14-04-0140, 2108 Kinney Ave.
Proposed Zoning change from SF3 to NO

Dear Mr. Bolt,

At the October 25 general meeting of the Zilker Neighborhood Association, the general membership voted to oppose the rezoning of 2108 Kinney Avenue. Our primary concern is the encroachment of business zoning into established residential areas, while existing commercial properties on South Lamar sit vacant or underused.

In this particular case, it was represented to our executive committee that a lawyer wants to work out of this small home. That activity could be accommodated under the current home occupation ordinance without a zoning change. It could also be located in the adjacent apartment complex, which already has office zoning (LO). Directly across South Lamar is an apartment and office complex advertising vacancies that would be much more suitable for a professional whose practice did not fit within the limits of the home occupation ordinance.

In the absence of a comprehensive neighborhood or corridor plan for this area, ZNA must assume that the proposed encroachment of business zoning into Zilker's single-family residential areas offers no benefits to the surrounding owners of residential property on Kinney or of commercial property on South Lamar. We hope to consider the larger issue further when our formal Neighborhood Planning process begins next year, but until then, we must oppose this sort of rezoning.

Thank you for your consideration.

Bobby Rigney
ZNA Zoning chair

Officers, 2004-2005

Lorraine Atherton, *President* ♦ Robin Sherwin, *Vice President* ♦ Hill Abell, *Vice President*
Rachel Reitmeyer, *Secretary* ♦ Andrew Murphy, *Treasurer*
Elizabeth Yevich, *ANC Delegate* ♦ Peggy Kelley, *Newsletter Editor*

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 2108 KINNEY AVENUE FROM FAMILY
3 RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD OFFICE-CONDITIONAL
4 OVERLAY (NO-CO) COMBINING DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from family residence (SF-3) district to neighborhood office-
10 conditional overlay (NO-CO) combining district on the property described in Zoning Case
11 No. C14-04-0140, on file at the Neighborhood Planning and Zoning Department, as
12 follows:

13
14 Lots 8 and 9, Block C, Oak Hill Addition, a subdivision in the City of Austin,
15 Travis County, Texas, according to the map or plat of record in Plat Book 3, Page
16 216, of the Plat Records of Travis County, Texas, (the "Property")

17
18 locally known as 2108 Kinney Avenue, in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "A".

20
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:

23
24 1. The following uses are prohibited uses of the Property:

25
26 Bed and breakfast residential (Group 1)
27 Day care services (limited)
28 Day care services (commercial)
29 Counseling services
30 Family home
31 Private secondary educational facilities
32 Public secondary educational facilities
33 Congregate living
34 Local utility services

25
26 Bed and breakfast residential (Group 2)
27 Day care services (general)
28 Safety services
29 Communication service facilities
30 Private primary educational facilities
31 Public primary educational facilities
32 Community recreation
33 Group home, Class II

1 2. A site plan or building permit for the Property may not be approved, released, or
2 issued, if the completed development or uses of the Property, considered cumulatively
3 with all existing or previously authorized development and uses, generate traffic that
4 exceeds 100 trips per day.

5
6 3. The Property is subject to family residence (SF-3) site development regulations.

7
8 Except as specifically restricted under this ordinance, the Property may be used in
9 accordance with the regulations established for the neighborhood office (NO) base district
10 and other applicable requirements of the City Code.

11
12 **PART 3.** This ordinance takes effect on _____, 2005.

13
14 **PASSED AND APPROVED**

15
16
17
18
19 _____, 2005

20 Will Wynn
21 Mayor

22
23
24 **APPROVED:**

25 David Allan Smith
26 City Attorney

ATTEST:

Shirley A. Brown
City Clerk



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: T. BOLT

CASE #: C14-04-0140
 ADDRESS: 2108 KINNEY AVE
 SUBJECT AREA (acres): 0.150

ZONING EXHIBIT A

DATE: 04-09

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 H20