

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 58
AGENDA DATE: Thu 06/09/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0021 - 5808 Manor - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5808 Manor Road (Fort Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial - conditional overlay (GR-CO) combining district zoning with conditions. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. First reading on April 28, 2005. Vote 5-0. Mayor Wynn and Council Member McCracken off the dais. Applicant and Agent: Maria Sosa. City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0021

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5808 Manor (Fort Branch Creek Watershed) from neighborhood retail (LR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning.

DEPARTMENT COMMENTS:

The tract is zoned LR, and the request was for CS-CO. The applicant has not specified what conditions were intended to be imposed via the conditional overlay. Currently the site is undeveloped, and the intended use is auto sales.

The applicant has agreed to GR-CO with the conditions recommended by the Zoning and Platting Commission.

OWNER/APPLICANT: Maria Sosa

AGENT: Maria Sosa

DATE OF FIRST READING: April 28, 2005 Approved GR-CO with following Conditions:

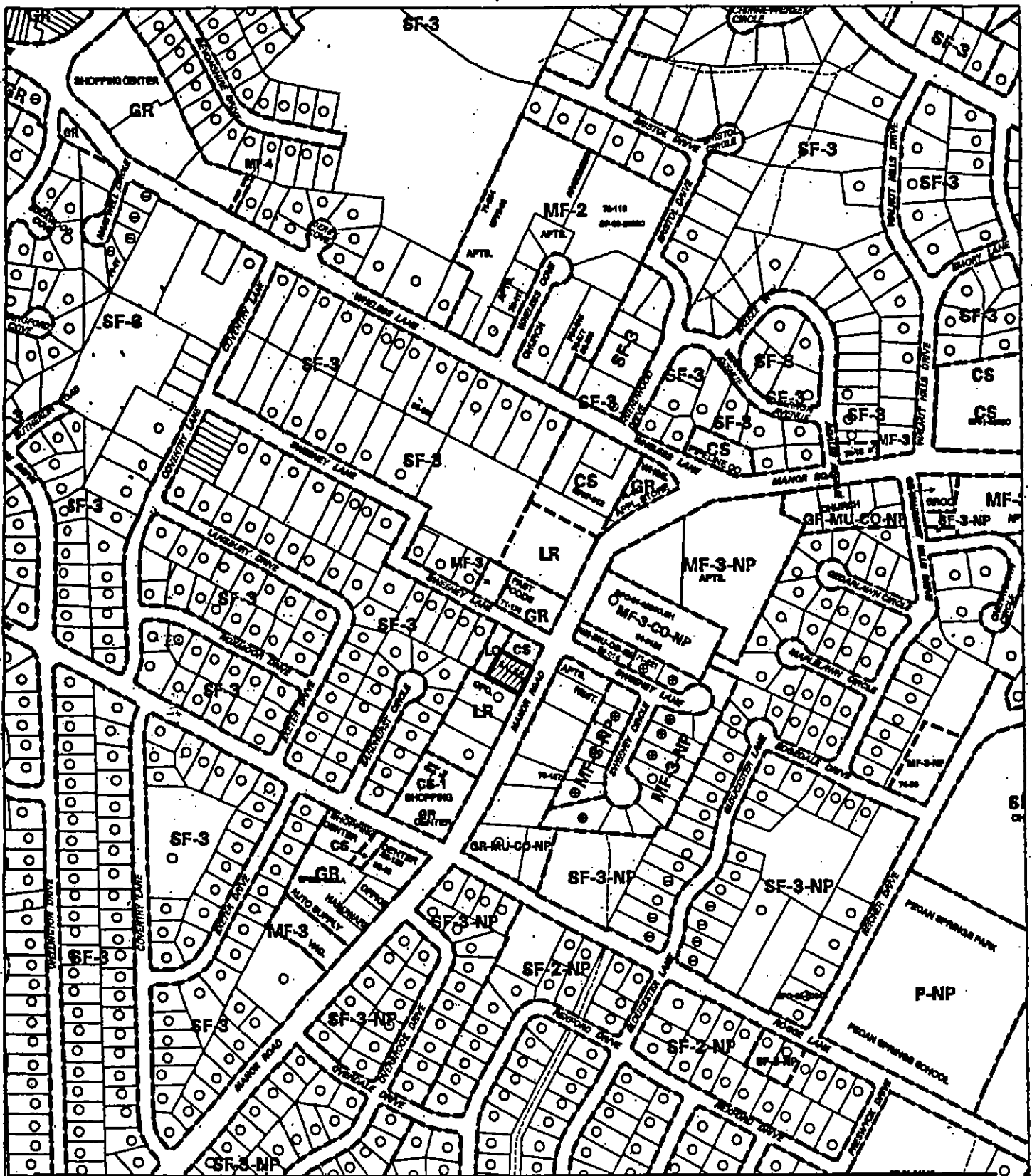
- Trip generation is limited to no more than 2000 trips per day.
- The Following Uses are Conditional: Automotive Rentals, Automotive Repair Services, Automotive Washing,
- Prohibit the following uses: Bail Bond Services, Commercial Off-Street Parking, Exterminator Services, Pawn Shop Services, Personal Improvement Services.

CITY COUNCIL HEARING DATE: June 9, 2005.

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR. K. HEIL



CASE #: C14-05-0021
ADDRESS: 5808 MANOR RD
SUBJECT AREA (acres): 0.280

ZONING EXHIBIT A

DATE: 05-02
INTLS: SM

CITY GRID
REFERENCE
NUMBER
M25

1"=400'

GR-NP

SF-2-NP

MF-3

SF-3

CS

MF-3

GR

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5808 MANOR ROAD FROM NEIGHBORHOOD COMMERCIAL (LR) 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 neighborhood commercial (LR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-05-0021, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 10, Schwinge Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 6, Page 46, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 5808 Manor Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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. The following uses are conditional uses of the Property:

Automotive rentals	Automotive repair services
Automotive washing (of any type)	

3. The following uses are prohibited uses of the Property:

Bail bond services	Commercial off-street parking
Exterminator services	Pawn shop services
Personal improvement services	

1
2 Except as specifically restricted under this ordinance, the Property may be developed and
3 used in accordance with the regulations established for the community commercial (GR)
4 base district and other applicable requirements of the City Code.

5
6 **PART 3.** This ordinance takes effect on _____, 2005.

7
8
9 **PASSED AND APPROVED**

10
11
12 _____, 2005

§
§
§

Will Wynn
Mayor

13
14
15
16
17
18 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

ZONING CHANGE REVIEW SHEET**CASE:** C14-05-0021**ZAP Date:**April 5, 2005
April 19, 2005**ADDRESS:** 5808 Manor Road**OWNER/APPLICANT:** Maria Sosa**AGENT:** Maria Sosa**ZONING FROM:** LR**TO:** CS-CO**AREA:** 0.28 acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends GR-CO which would allow for the intended use of auto sales. The conditional overlay would limit development to less than 2000 additional vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 5, 2005: Postponed to April 19, 2005 at the request of the staff. (Approved 8-0).

April 19, 2005: Recommend GR-CO. The conditional overlay would limit development to less than 2000 additional vehicle trips per day and prohibited the following uses:

- Bail Bond Services
- Commercial Off-Street Parking
- Exterminator Services
- Pawn Shop Services
- Personal Improvement Services

(Approved on consent 7-0, Commissioner Jackson absent).

DEPARTMENT COMMENTS:

The tract is zoned LR, and the request was for CS-CO. The applicant has not specified what conditions were intended to be imposed via the conditional overlay. Currently the site is undeveloped, and the intended use is auto sales.

The applicant has agreed to GR-CO with the conditions recommended by the Zoning and Platting Commission.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family Homes
<i>North</i>	CS	Construction Office
<i>South</i>	LR	Offices
<i>East</i>	GR-MU-CO-NP	Vacant Restaurant
<i>West</i>	LO	Office

AREA STUDY: The property lies within the proposed Windsor Park Neighborhood Planning Area. The neighborhood plan for this area is scheduled for fiscal year 2005-2006.

TIA: N/A

WATERSHED: Fort Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Windsor Park Neighborhood Association
- Austin Neighborhoods Council
- Mueller Neighborhoods Coalition
- Keep the Land
- Taking Action Inc.
- PODER – People Organized to Defend Earth and her Resources
- Anberly Airport Association

SCHOOLS: (AISD)

Blanton Elementary School Pierce Middle School Reagan High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Manor Road	75'	45'	Arterial

- There are existing sidewalks along Manor Street.
- Capital Metro bus service is available along Manor Street.

CITY COUNCIL DATE:

April 28, 2005:

ACTION:

Approved GR-CO with following Conditions:

- Trip generation is limited to no more than 2000 trips per day.
- The Following Uses are Conditional:
Automotive Rentals, Automotive Repair Services, Automotive Washing,

- Prohibit the following uses: Bail Bond Services, Commercial Off-Street Parking, Exterminator Services, Pawn Shop Services, Personal Improvement Services.

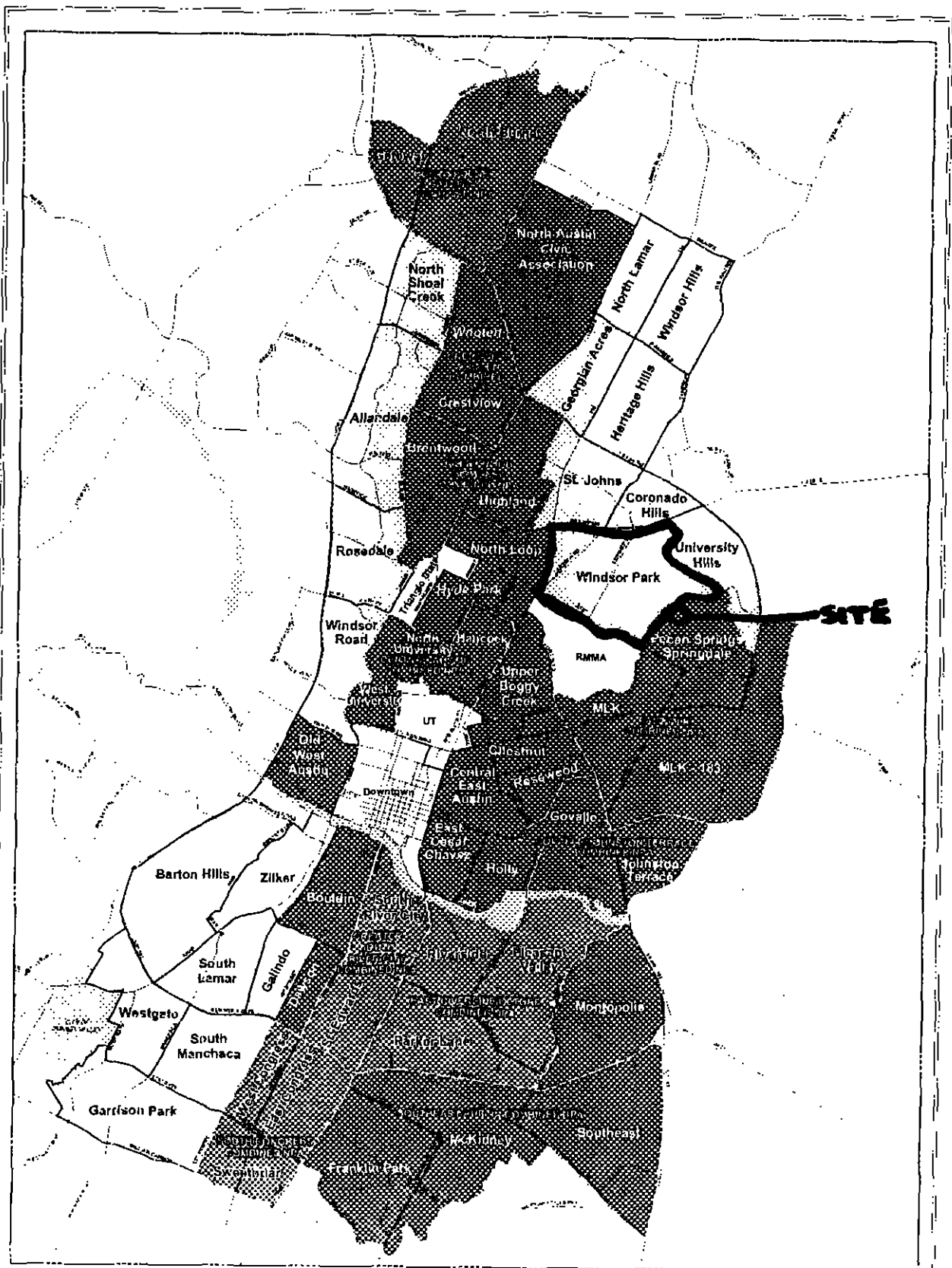
ORDINANCE READINGS: 1st 4/28/05 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330





City of Austin Neighborhood Planning Areas



City of Austin
Neighborhood Planning
Map No. 2024

Combined Neighborhood
Planning Areas

Neighborhood Plan Status

- Adopted Neighborhood Plan & Zoning
- Neighborhood Plan Underway
- Future Neighborhood Planning Area
- Non-Neighborhood Planning Area



Scale: 1 inch = 1 mile

This map has been produced for the City of Austin and is not to be used for any other purpose without the express written consent of the City of Austin. The City of Austin is not responsible for any errors or omissions on this map.

SUMMARY STAFF RECOMMENDATION

C14-05-0021

Staff alternatively recommends GR which would allow for the intended use of auto sales.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The Commercial Services zoning request is inconsistent with the location and is unnecessarily permissive for the desired use.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

GR is an appropriate transition between the CS to the north and the LR to the south.

EXISTING CONDITIONS

Site Plan

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the SF-3 property line .
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the SF-3 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.

Transportation

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

The trip generation under the requested zoning is estimated to be 2,715 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]

Capital Metro bus service is available along Manor Road.

There are existing sidewalks along Manor Road.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Manor Road	75'	45'	Arterial

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 utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

Environmental

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

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

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 which 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.

8 89°53'41" E 121.99'

S 59°53'41" E 115.80' IREC. S 59°56' E

WOOD FRAME ONE STORY BLDG.

ASPHALT PARKING

LOT 9

LOT 10

MANOR BUSINESS PARK.

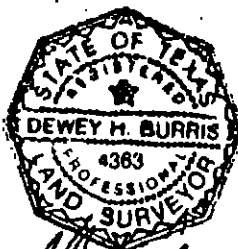
5812 MANOR ROAD

DONE WITHOUT BENEFIT OF A TITLE COMMITMENT, ESM'TS. AND BUILDINGS ARE PER PLAT.



6521 Burnet Lane
Suite 110
Austin, Texas 78757

FAX (512)-458-9845



Subject property DOES NOT
lie within the 100 Year flood prone area
and has a Zone X rating as
shown on the Flood Insurance Rate Map;
(F.I.R.M.) Community No. 480624
Panel dated 01/25/84
02-15-84
This certification is for insurance
purposes only and is not a guarantee
that this property will or will not flood.

TO THE LIENHOLDERS AND TO THE PREMISES SURVEYED AND TO

DATE 11-06-95

TITLE CO.

G.F. # R 109095

1"-30"

I do hereby certify that this survey was this day made on the ground of the property legally described hereon and that there are no boundary line conflicts, encroachments overlapping of improvements, or roads in place, except as shown hereon, and certifies only to the legal description and easements shown on the referenced title commitment.

DATE BY

FIELD WORK	11-03-95	AD DEL
DRAFTING	11-06-95	MIKE
FINAL CHECK	11-06-95	
CORRECTIONS		
UP DATE		

**CITY ZONING AND PLATTING
COMMISSION**
April 19, 2005 [ANNOTATED]

CITY COUNCIL CHAMBERS AT CITY HALL
301 W. 2ND Street
1st Floor

CALL TO ORDER – 6:00 P.M.

COMMENCED: 6:00 P.M.

ADJOURNED: 10:15 P.M.

_____ Betty Baker - Chair

_____ John Philip Donisi

_____ Jay Gohil

A _____ Clarke Hammond - Secretary

_____ Melissa Whaley Hawthorne- Assist. Sec.

A _____ Keith Jackson - Parliamentarian

_____ Joseph Martinez – Vice-Chair

_____ Janis Pinnelli

_____ Teresa Rabago

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.

- 7. Rezoning:** C14-04-0198 - 801 W. Oltorf
Location: 801 W. Oltorf, East Bouldin Creek Watershed
Owner/Applicant: Lopez & Urrutia, L.L.P. (Bradley G. Urrutia)
Agent: Land Answers (Jim Wittliff)
Prev. Postponed on 03/01/05 (applicant); Postponed on 4/5/05
Postponements (neighborhood)
Request: SF-3 to LO-MU-CO
Staff Rec.: NOT RECOMMENDED
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 05/03/05 (NEIGHBORHOOD)
[J.M; T.R 2ND] (7-0) K.J; C.H - ABSENT

- 8. Rezoning:** C14-05-0011 - Schumaker
Location: 2900 FM 973 North; 11400 Platt Lane; 2814-4310 FM 973 North,
 Colorado River Watershed
Owner/Applicant: Wade Shumaker
Agent: Minter, Joseph, & Thornhill (Kim Crane)
Prev. Postponed on 04/05/05 (staff)
Postponements
Request: I-RR and RR to LI
Staff Rec.: ALTERNATE RECOMMENDATION: LI-CO
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION FOR LI-CO ZONING WITH 2000 VEHICLE
 TRIP LIMIT; BY CONSENT.**
[J.M; M.W 2ND] (7-0) K.J; C.H - ABSENT

- 9. Rezoning:** C14-05-0021 - 5808 Manor
Location: 5808 Manor, Fort Branch Watershed
Owner/Applicant: Maria Sosa
Agent: Maria Sosa
Prev. Postponed on 4/5/05 (staff)
Postponements
Request: LR to CS-CO
Staff Rec.: ALTERNATE RECOMMENDATION: GR-CO
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION FOR GR-CO ZONING WITH 2000 VEHICLE
 TRIP LIMIT.**
[M.W, T.R 2ND] (7-0) K.J; C.H - ABSENT