

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



**AGENDA ITEM NO.: Z-8
AGENDA DATE: Thu 06/09/2005
PAGE: 1 of 1**

SUBJECT: C14-04-0198 - 801 West Oltorf - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West Oltorf (East Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission: To deny neighborhood office-mixed use (NO-MU) combining district zoning. Applicant: Lopez & Urrutia, L.L.P. Agent: Land Answers (Jim Witliff). City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET**CASE:** C14-04-0198**Z.A.P. DATES:** March 1, 2005
April 5, 2005
April 19, 2005
May 3, 2005**ADDRESS:** 801 W. Oltorf**OWNER/APPLICANT:** Lopez & Urrutia, L.L. P. (Bradley G. Urrutia)**AGENT:** Land Answers (Jim Witliff)**ZONING FROM:** SF-3**TO:** NO-MU**AREA:** 0.145 acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of this request.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

March 1, 2005: Postponed to April 5, 2005 at the request of the applicant to allow a formal presentation at the next Galindo Neighborhood Association meeting on March 28.
[M.W; J.D 2ND] (8-0) K.J- ABSENT.

April 5, 2005: Postponed to April 19, 2005 at the request of the neighborhood to allow for more discussion. [J.M; M.W 2ND] (9-0).

April 19, 2005: Postponed to May 5, 2005 at the request of the neighborhood to allow for more discussion. The Commission also stated its clear intention to deny further requests for postponement and to take action at their next meeting on May 5, 2005. [J.M; T.R 2ND] (7-0) K.J; C.H – ABSENT

May 3, 2005: TO APPROVE STAFF'S RECOMMENDATION TO DENY THE APPLICANT'S REQUEST for NO-MU zoning. [K.J, M.W 2ND] (5-3) T.R, J.G, J.P – NAY

DEPARTMENT COMMENTS:

The property owner has requested rezoning from Family Residence district (SF-3) to Neighborhood Office district Mixed Use Combining District (NO-MU). Staff recommends denial of this request.

The majority of the surrounding properties are zoned and used as single family residences. Sufficient land exists on South First Street for office uses in the neighborhood.

There is no adopted neighborhood plan for this area. The Galindo Neighborhood Plan has been tentatively scheduled to start in FY 2005-2006, depending on direction from City Council. The Bouldin Neighborhood plan calls for Single Family uses along the north side of this portion of East Oltorf.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family Residence
<i>North</i>	SF-6-NP	Single Family Residence
<i>South</i>	SF-3	Single Family Residence
<i>East</i>	SF-3	Single Family Residence
<i>West</i>	SF-3	Single Family Residence

NEIGHBORHOOD PLAN: The property is in the proposed Galindo Neighborhood Plan Area.

TIA: N/A

WATERSHED: East Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Terrell Lane Interceptor Association (300)
- Barton Springs/Edwards Aquifer Conservation District (428)
- South Central Coalition (498)
- Austin Neighborhoods Council (511)
- Galindo Elementary Neighborhood Association (904)

SCHOOLS: (AISD ISD)

Dawson Elementary School Fulmore Middle School Travis High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
E. Oltorf St.	60'	40'	Major Arterial	Yes	Yes	No
S. 3 rd St.	50'	30'	Local	Yes	No	No

CITY COUNCIL DATE: June 9, 2005

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 974-2330



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	 	ZONING CASE #: C14-04-0198 ADDRESS: 801 W OLTORF ST SUBJECT AREA (acres): 0.145	DATE: 04-12 INTLS: SM	CITY GRID REFERENCE NUMBER H20
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SUMMARY STAFF RECOMMENDATION**C14-04-0198**

The property owner has requested rezoning from Family Residence district (SF-3) to Neighborhood Office district Mixed Use Combining District (NO-MU). Staff recommends denial of this request.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**1. *Zoning changes should promote compatibility with adjacent and nearby uses.***

The majority of the surrounding properties are zoned and used as single family residences. Sufficient land exists on South First Street for office uses in the neighborhood.

2. *Zoning should be consistent with adopted plan for the area.*

There is no adopted neighborhood plan for this area. The Galindo Neighborhood Plan has been tentatively scheduled to start in FY 2005-2006, depending on direction from City Council. The Bouldin Neighborhood plan calls for Single Family uses along the north side of this portion of East Oltorf.

EXISTING CONDITIONS**Site Characteristics**

The site is an existing single-family residence along a major arterial. The site is surrounded by single family (SF-3) zoned land to the east, west and south. To the north, across East Oltorf, the land is zoned for townhouses and condominiums (SF-6).

One block further to the south, lies the San Jose Catholic Church, a major neighborhood institution, with worship, community and education facilities.

Transportation

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

The trip generation under the requested zoning is estimated to be 59 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 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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
E. Oltorf St.	60'	40'	Major Arterial	Yes	Yes	No
S. 3 rd St.	50'	30'	Local	Yes	No	No

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 water and wastewater 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.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit (*Paul Urbanek 972-0211*)

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East 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. Impervious cover is not limited in this watershed class. 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.

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.

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.

Site Plan

This tract is already developed, 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-3 zoned property to the east, south and west, and would be subject to the following requirements:

- 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.

**CITY ZONING AND PLATTING
COMMISSION
May 3, 2005 [ANNOTATED]
CITY COUNCIL CHAMBERS AT CITY HALL
301 W. 2ND Street
1st Floor**

CALL TO ORDER – 6:00 P.M.

COMMENCED: 6:05 P.M.

ADJOURNED: 9:40 P.M.

____ Betty Baker - Chair

____ John Philip Donisi

____ Jay Gohil

____ Clarke Hammond - Secretary

____ Melissa Whaley Hawthorne- Assist. Sec.

____ Keith Jackson - Parliamentarian

____ A 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.

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The Commission may also recommend zoning that includes combining districts such as mixed use, conditional overlays, or other combining districts.

AGENDA POSTING & POSTPONEMENT POLICIES

AGENDA POSTING POLICY

Normally when placing an item on a future agenda, commissioners should inform the chair prior to a meeting and announce the item under Items from Commission at the end of the agenda.

If the topic is of a sensitive nature or may be considered outside the scope of the Commission's charge, then the chair may request that it be presented to the Executive Committee for consideration prior to being placed on the agenda.

- An item that arises during the conduct of a meeting may be announced during the pertinent discussion or at the end of the meeting.
- If no objection is raised to the posting of an item, a vote and a second on the posting will not be required.
- If a disagreement arises on the posting of an item, the Commission will act upon the posting by a motion and vote.

POSTPONEMENT POLICY

- All postponement requests from the public normally should be made in writing by 10:00 a.m. the Monday before the Zoning & Platting Commission meeting. The request should be submitted to the case manager. The date and time should be noted on the letter to staff, in addition the reason for postponement and the requested postponement date.
- The party requesting the postponement should attend the Zoning & Platting Commission meeting, in case of a discussion postponement.
- The Zoning & Platting Commission will normally grant, upon voting, a first request notified as described above for postponement by an applicant or neighborhood association.
- Second and/or subsequent request for postponement, depending on the reasons, may or may not be granted by the Zoning & Platting Commission. The commission must, however, vote on the request.
- Individual commissioners may request postponements to be voted on by the full commission.

CORRESPONDENCE WITH THE ZONING & PLATTING COMMISSION

E-mail: E-mail addresses for individual Commissioner's are available on the last page of this agenda.

Mail: Neighborhood Planning & Zoning Department
Attn: Zoning & Platting Commission Liaison
P.O. Box 1088, Austin TX, 78767

Fax: Fax: (512) 974-1860

MORE INFORMATION

COA Development Web:
Land Development Code:

www.cityofaustin.org/development/
www.cityofaustin.org/development/ldc1.htm

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Zoning & Platting Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Zoning & Platting Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

NO SPEAKERS.

APPROVAL OF MINUTES

2. Approval of minutes from April 19, 2005 and April 25, 2005, Special Called meeting.

APPROVED APRIL 19, 2005 & APRIL 25, 2005 MINUTES; BY CONSENT.

[J.D; J.G 2ND] (8-0) J.M – ABSENT

DISCUSSION AND ACTION ON ZONING CASES

3. **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 3/1/05 (applicant); Postponed on 4/5/05 (neighborhood);
Postponements Postponed on 4/19/05 (neighborhood)
Request: SF-3 to LO-MU; AMENDED TO NO-MU
Staff Rec.: NOT RECOMMENDED
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

1ST MOTION: APPROVED NO-MU-CO ZONING WITH THE ONLY NO (NEIGHBORHOOD OFFICE) USE BEING ADMINISTRATIVE BUSINESS OFFICE & PROFESSIONAL OFFICE; ALL OTHER USES WOULD BE SF-3 USES, STRUCTURE LIMITED TO 1,750 SQUARE FEET. [K.J; T.R 2ND] (4-4) C.H, B.B, M.W, J.D – NAY MOTION FAILED.

2ND MOTION: APPROVED STAFF'S RECOMMENDATION TO DENY THE APPLICANT'S REQUEST TO CHANGE THE ZONING. [M.W, B.B 2ND] (4-4) T.R, J.G, K.J, J.P – NAY MOTION FAILED.

3RD MOTION: MOTION MADE TO SEND TO CITY COUNCIL WITHOUT A RECOMMENDATION. [B.B, C.H 2ND] – NO ACTION WAS TAKEN DUE TO A SUBSTITUTE MOTION BY COMMISSIONER JACKSON.

***** 4TH MOTION: MOTION MADE AGAIN TO APPROVE STAFF'S RECOMMENDATION TO DENY THE APPLICANT'S REQUEST. [K.J, M.W 2ND] (5-3) T.R, J.G, J.P – NAY**

- 4. Rezoning: C14-05-0019 - Taylor Estates**
Location: 720-910 Block of Dittmar Road; 900 Block of Reno Drive, South Boggy Creek Watershed
Owner/Applicant: Anchor Equities, Ltd. (Salim Haddad)
Agent: Austin Blue Sky Investments, Inc. (John Bolt Harris)
Prev. Postponed on 4/19/05 (applicant)
Postponements
Request: SF-2-CO to SF-4A
Staff Rec.: Recommendation of SF-4A-CO; Applicant has requested an Indefinite Postponement.
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning & Zoning

INDEFINITE POSTPONEMENT (APPLICANT)
[J.D; T.R 2ND] (8-0) J.M – ABSENT

- 5. Rezoning: C14-05-0024 - Cardinal Lane**
Location: Cardinal Lane and South 2nd St, East Bouldin Creek Watershed
Owner/Applicant: T.E. Kolenda
Agent: Faust Group (Bill Faust)
Prev. Postponed on 4/5/05 (staff); Postponed on 4/19/05 (neighborhood)
Postponement
Request: MF-2 to SF-6
Staff Rec.: ALTERNATE RECOMMENDATION: SF-6-CO
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED SF-6-CO ZONING WITH CONDITIONS OF:

- MAXIMUM OF 30 UNITS;
- 55% IMPERVIOUS COVER LIMIT;
- 1 ACCESS TO CARDINAL LANE;
- 1 ACCESS TO 2ND STREET;
- NO GATED COMMUNITIES;
- USE GROW GREEN STANDARDS

[K.J; J.P 2ND] (8-0) J.M – ABSENT