

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



**AGENDA ITEM NO.: Z-5
AGENDA DATE: Thu 09/01/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0090 - Wireless Toyz - City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5700 North Lamar Blvd. (Walnut Creek Watershed) from public-neighborhood plan (P-NP) combining district zoning to neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Applicant: City of Austin (Dean Harris). Agent: H&H Wireless (James Hase). City Staff: Jorge Rousselin, 974-2975.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0090

P.C. DATE: August 9, 2005

ADDRESS: 5700 N. Lamar Blvd

OWNER/APPLICANT: Wireless Toyz – City Initiated
(Dean Harris)

AGENT: H&H Wireless
(James Hase)

ZONING FROM: P-NP

TO: LR-CO-NP

AREA: .48 acres

SUMMARY STAFF RECOMMENDATION:

Approval of the requested rezoning from public – neighborhood plan combining district (P-NP) district zoning to neighborhood commercial – neighborhood plan combining district (LR-NP) district zoning.

PLANNING COMMISSION RECOMMENDATION:

August 9, 2005 – APPROVED LR-MU-CO-NP (8-0; JR 1st, MM 2nd)
Conditional Overlay prohibits the following uses:

- Custom manufacturing
- Service Station
- Off-site accessory parking
- Telecommunication tower-1

DEPARTMENT COMMENTS:

The subject tract is a .48-acre portion of a City-Owned property that also contains an EMS station, an Austin Energy substation, and the Ulrich water treatment plant. As part of the Brentwood/Highland neighborhood planning process, the subject tract was rezoned from CS-1 (Commercial Liquor Sales) to P-NP. The existing one-story building on the subject tract has been leased by the Southland Corporation (7-11) for many years, but the tenant chose not to renew the lease, which expired on July 31, 2005. On June 9th, 2005, the City Council agreed to lease terms with Wireless Toyz, a local cellular phone retailer. General Retail (Convenience) use is not permitted in the P district.

Associated with this zoning change request is the requirement for a Neighborhood Plan Amendment. In order to approve the requested zoning district a plan amendment is being considered outside of the normal cycle because the neighborhood plan contains an error in regards to the subject tract. The rationale for requesting a plan amendment is found in the staff report prepared for it. Both the plan amendment request and zoning change request are being presented to the Planning Commission and City Council together. The plan amendment is necessary in order change the Future Land Use Map (FLUM) and to approve the zoning change necessary for the new use.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	P-NP	Former 7-11 store
<i>North</i>	P-NP	EMS station, Austin Energy substation, and the Ulrich water treatment plant.
<i>South</i>	CS-MU-CO-NP	Service Station
<i>East</i>	CS-NP & UNZ	CS-Undeveloped UNZ – Texas Department of Public Safety
<i>West</i>	P-NP	City of Austin Street-light Division & Public works

AREA STUDY: Brentwood/Highland NP **TIA:** No

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

#120 Brentwood Neighborhood Association
#283 North Austin Neighborhoods Alliance
#511 Austin Neighborhoods Council
#601 Skyview Neighborhood Association
#687 North Loop Neighborhood Planning Team
#704 North Loop Neighborhood Planning Team Liaison
#740 Brentwood/Highland Combined Neighborhood
#742 Austin Independent School District
#934 Taking Action Inc.
#941 Northfield Neighborhood Association

SCHOOLS:

Brentwood Elementary School
Lamar Middle School
McCallum High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
NP-04-0018	Neighborhood Plan Approval	02/24/04 - Recommended approval of the staff recommendation	05/13/04 - Approved staff recommendation
C14-04-0012.001	Associated rezonings with Neighborhood Plan	02/24/04- Recommended approval of staff's recommendation	05/13/04 -Approved staff recommendation

RELATED CASES:

NPA-05-0018.01 - Related Plan Amendment Request

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Lamar Boulevard	70'	60'	Arterial
Koenig Lane	60'	Varies	Arterial

CITY COUNCIL DATE: Sept. 1, 2005

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd





ORDINANCE NUMBER:

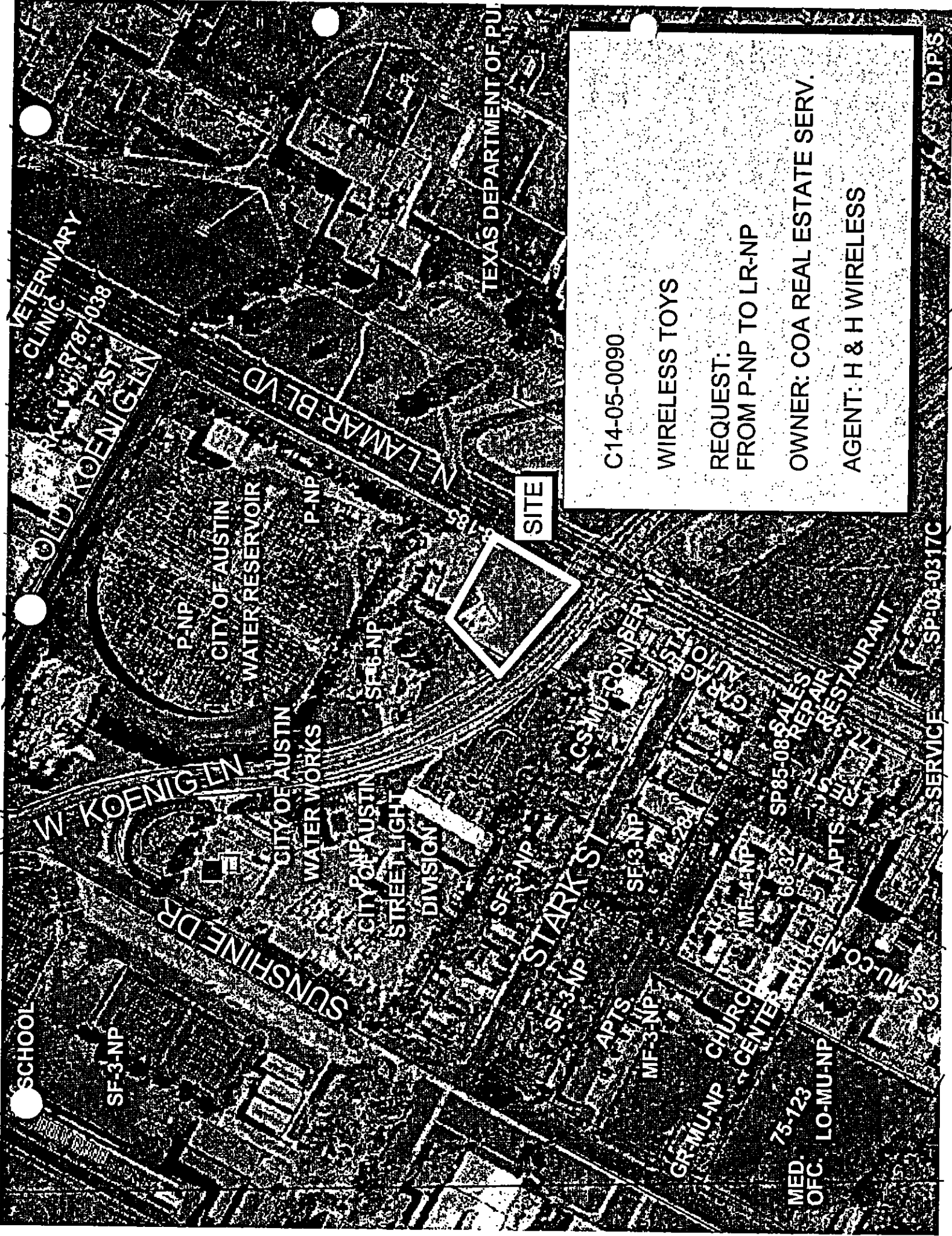
CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-05-0090 ADDRESS: 5700 N LAMAR BLVD SUBJECT AREA (acres): 0.480	DATE: 05-06 INTLS: SM	CITY GRID REFERENCE NUMBER K27
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: T.BOLT				



SITE

C14-05-0090

WIRELESS TOYS

REQUEST:
FROM P-NP TO LR-NP

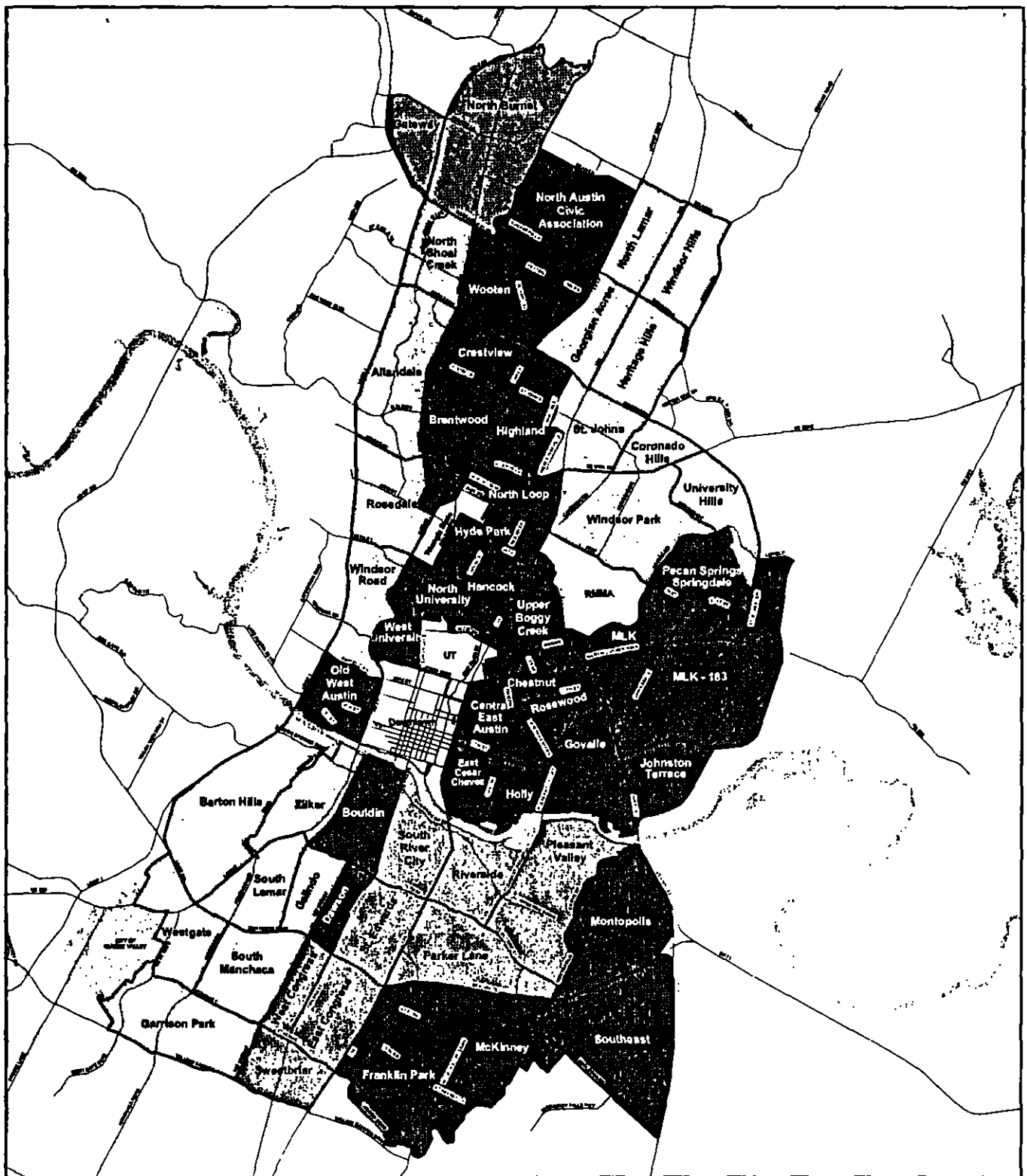
OWNER: COA REAL ESTATE SERV.

AGENT: H & H WIRELESS

SP-03-0317C

SERVICE





D.P.S.



City of Austin Neighborhood Planning Areas

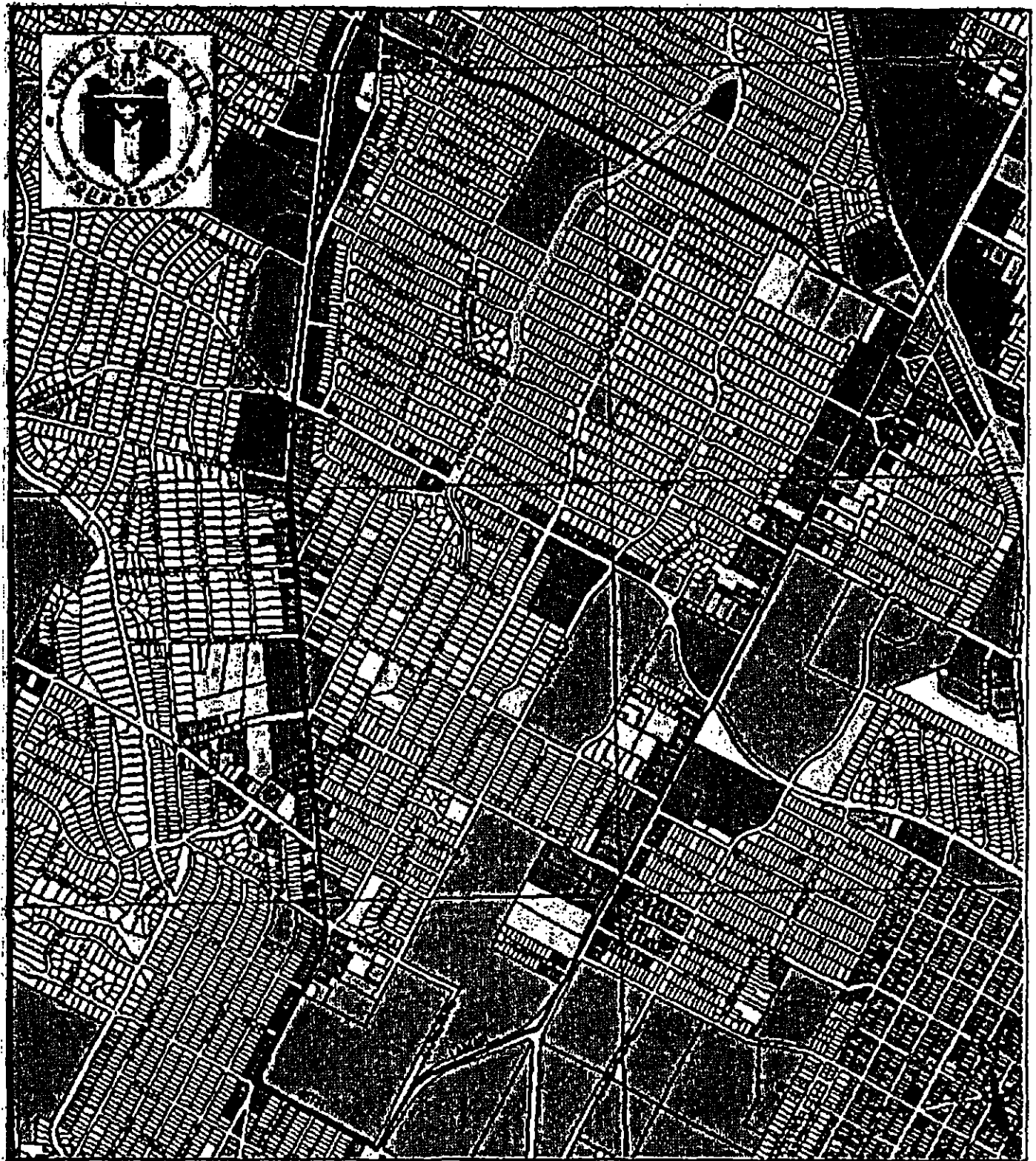


Prepared by City of Austin
Neighborhood Planning & Zoning Department
August 26, 1994

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



This map has been prepared by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No liability is accepted regarding the accuracy of information furnished by neighborhood planning organizations.



Brentwood Neighborhood Planning Area

0.4 0 0.4 Miles



Land Use

Large Lot Single-family
 Single-family
 Mobile Homes
 Multi-family
 Commercial
 Office
 Industry

Mining
 Cattle
 Open Space
 Transportation
 Utilities
 Undeveloped
 Water
 Unknown

STAFF RECOMMENDATION

Approval of the requested rezoning from public – neighborhood plan combining district (P-NP) district zoning to neighborhood commercial – neighborhood plan combining district (LR-NP) district zoning.

BACKGROUND

The Brentwood/Highland Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on May 13, 2004. The requested plan amendment is in the Brentwood Neighborhood Planning Area. The boundaries of the planning area are: Justin Lane to the north, Lamar Boulevard to the east, 45th Street to the south and Burnet Road to the west.

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

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

The requested amendment is consistent with the Land Use recommendations in the Brentwood/Highland Combined Neighborhood Plan.

Zoning should allow for reasonable use of the property

The existing P-NP district zoning severely limits how this property may be developed or occupied. The P designation in this case is for City of Austin utilities.

EXISTING CONDITIONS

Site Characteristics

Site is currently developed with a former convenience store.

Impervious Cover

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

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

Environmental

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.

Water Quality Control Requirements

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.

Transportation

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

The trip generation under the requested zoning is estimated to be 1,565 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]

There are existing sidewalks along Lamar Boulevard and Koenig Lane.

Capital Metro bus service is available along Lamar Boulevard and Koenig Lane.

Water and Wastewater

The site is currently served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility 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. The landowner must pay the associated City fees.

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 N/A

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 5700 NORTH LAMAR BOULEVARD IN THE
3 BRENTWOOD NEIGHBORHOOD PLAN AREA FROM PUBLIC-
4 NEIGHBORHOOD PLAN (P-NP) COMBINING DISTRICT TO
5 NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-
6 NEIGHBORHOOD PLAN (LR-MU-CO-NP) COMBINING DISTRICT.

7
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
9

10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from public-neighborhood plan (P-NP) combining district to
12 neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-
13 CO-NP) combining district on the property described in Zoning Case No. C14-05-0090, on
14 file at the Neighborhood Planning and Zoning Department, as follows:
15

16 A 0.48 acre tract of land, more or less, out of the George W. Spear League, Travis
17 County, the tract of land being more particularly described by metes and bounds in
18 Exhibit "A" incorporated into this ordinance (the "Property"),

20 locally known as 5700 North Lamar Boulevard, in the Brentwood neighborhood plan area,
21 in the City of Austin, Travis County, Texas, and generally identified in the map attached as
22 Exhibit "A".
23

24 PART 2. Except as specifically provided in Part 3 and Part 4, the Property may be
25 developed and used in accordance with the regulations established for the neighborhood
26 commercial (LR) base district and other applicable requirements of the City Code.
27

28 PART 3. The Property within the boundaries of the conditional overlay combining district
29 established by this ordinance is subject to the following conditions:
30

31 The following uses are prohibited uses of the Property:
32

33 Custom manufacturing
34 Service station
35

Off-site accessory parking
Telecommunication tower-1

36 PART 4. The Property is subject to Ordinance No. 040513-33A that established the
37 Brentwood neighborhood plan combining district.

1
2
3
4 **PART 5.** This ordinance takes effect on _____, 2005.

5
6 **PASSED AND APPROVED**

7
8
9
10 _____, 2005

§
§
§

11 **Will Wynn**
12 **Mayor**

13
14
15 **APPROVED:** _____

16 **David Allan Smith**
17 **City Attorney**

ATTEST: _____

Shirley A. Brown
City Clerk

EXHIBIT "A"

.48 acres of land, same being out of and a part of that certain 5 acre tract of land out of the George W. Spear League in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin by Charles Wild, et ux by warranty deed dated September 9, 1912, of record in Volume 253, Page 439, Deed Records of Travis County, Texas, which .48 acres of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake in the west right-of-way line of Lamar Boulevard and the east line of this tract, which iron stake is also the point of curvature of a curve with an intersection angle of $100^{\circ} 19'$, a radius of 20.00 feet and a tangent distance of 23.96 feet, and from which point of beginning an iron stake in the west right-of-way line of Lamar Boulevard, same being the northeast corner of the Stark Addition, the southeast corner of the City of Austin 5 acre tract bears $S 29^{\circ} 44' W$ 129.53 feet;

THENCE, following a curving line to the left, an arc distance of 35.02 feet, the long chord of which arc bears $S 79^{\circ} 54' W$ 30.71 feet to an iron stake on the north right-of-way line of Koenig Lane, and the south line of the herein described 0.48 acre tract, which iron stake is the point of curvature of a curve having an intersecting angle of $49^{\circ} 59'$, a radius of 679.53 feet and a tangent distance of 316.76 feet;

THENCE, continuing along said curving line same being the north line of Koenig Lane to the right, an arc distance of 164.02 feet, the sub-chord of which arc bears $N 43^{\circ} 02' W$ 163.77 feet to an iron stake at the southwest corner of the herein described tract;

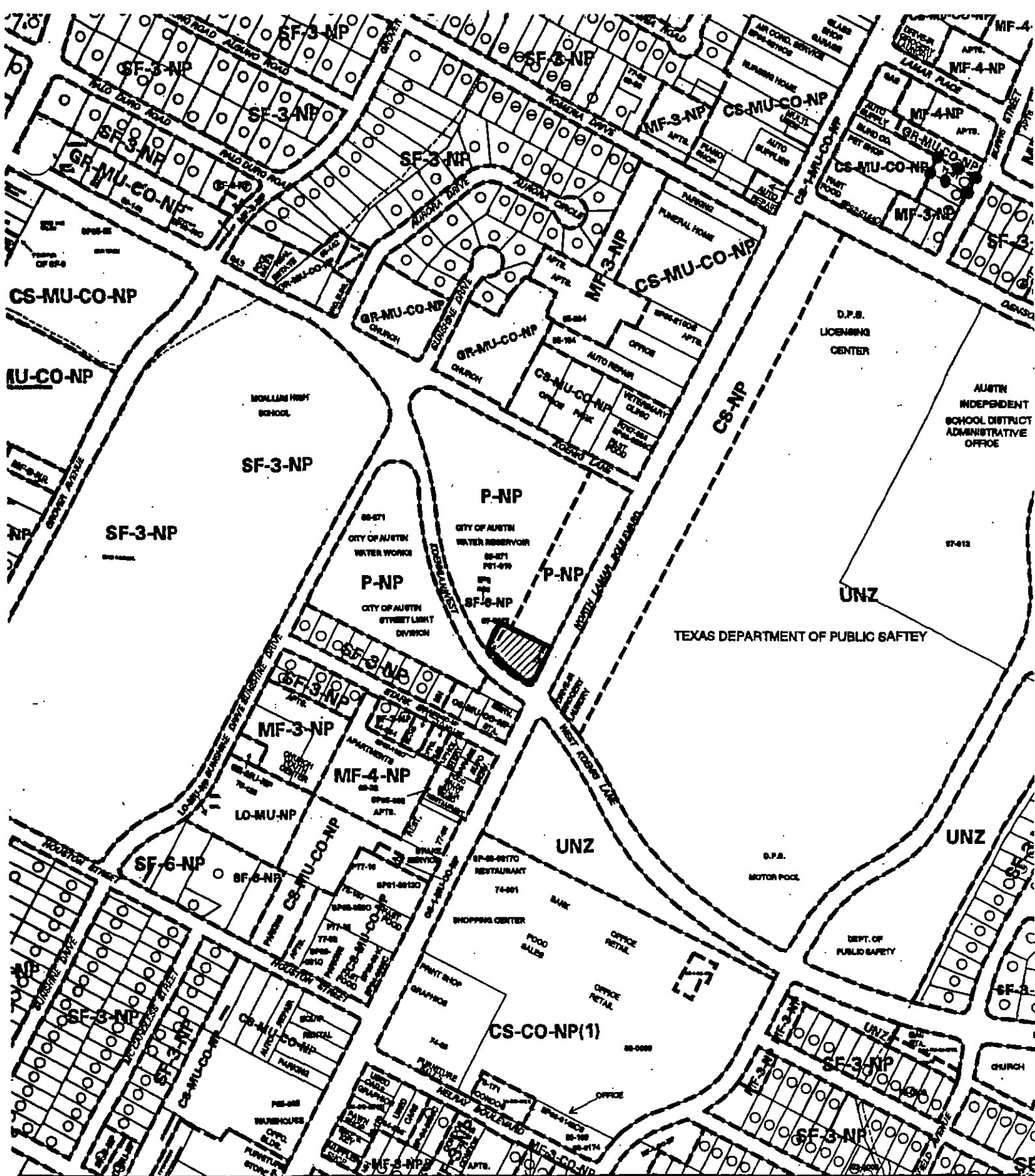
THENCE, $N 29^{\circ} 44' E$ 87.16 feet to an iron stake at the northwest corner of this tract;

THENCE, $S 60^{\circ} 16' E$ 180.00 feet to an iron stake at the northeast;

THENCE, $S 29^{\circ} 44'$ 116.04 feet along the west right-of-way line of Lamar Boulevard to the point of BEGINNING.



7



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER K27
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0090	DATE: 05-06	
	CASE MGR: T.BOLT	ADDRESS: 5700 N LAMAR BLVD	INTLS: SM	
SUBJECT AREA (acres): 0.480				