

C3

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0058 – 2209 W. Parmer Lane

**Z.A.P. DATE:** June 15, 2010

**ADDRESS:** 2209 West Parmer Lane

**APPLICANT:** Quang Huynh (Lisa Van)

**AGENT:** John Horton & Associates (John Horton)

**ZONING FROM:** NO

**TO:** LR-CO

**AREA:** 0.306 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day and will prohibit Drive-in Service as an accessory use to a commercial use.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

#### **ISSUES:**

The Water and Wastewater reviewer for this case has stated that the site is currently served with City of Austin water and an on-site sewage facility (septic system). The owner must connect the site to city wastewater service through the cutover process due to the intended use as a hair salon as stated in the owner's Affidavit of Fact. State law and city ordinance do not allow the wastewater streams from a hair salon to enter an on-site sewage facility. The staff has discussed this issue with the applicant and the representatives for the owners of the property. They have stated that if the zoning is granted, then they are ready to proceed with the wastewater connection process so that they can seek a Certificate of Occupancy change for the proposed Personal Services use on this site.

#### **DEPARTMENT COMMENTS:**

The property in question currently contains a single-family residence that has NO, Neighborhood Office District, zoning. The applicant is requesting a re-zoning to the Neighborhood Commercial-Mixed Use District to utilize the existing structure with a hair salon (Personal Services) use. There is a commercial use (Cody Pools) and a medical office use (Austin Dental) to the north of the site, across Parmer Lane. The property to the south of the site consists of a single-family neighborhood. To the east, there are office (John Horton Realty) and commercial uses (Nailed Tight Roofing). To the west, there is a religious assembly use (Crossroads Community Church) and an office use (Li Allstate Agency).

The staff recommends LR- CO zoning at this location because this site meets the intent of the Neighborhood Commercial District. LR-CO zoning will be compatible with surrounding commercial, office and residential land uses and will provide a transition in the intensity of permitted uses along Parmer Lane, an arterial roadway, to the east. The property is located adjacent to LR zoning to the east and LR-CO zoning to the west.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	NO	Single-Family Residence
<i>North</i>	LO-CO	Medical Office (Austin Dental)
<i>South</i>	SF-1	Single-Family Residences
<i>East</i>	LR	Office (John Horton Realty), Construction Sales and Services (Nailed Tight Roofing)
<i>West</i>	LR-CO	Religious Assembly (Crossroads Community Church), Office (Li Allstate Agency)

**AREA STUDY:** North Lamar Area Study**TIA:** Not Required**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Monorail Project  
 Austin Neighborhoods Council  
 Austin Parks Foundation  
 Home Builders Association of Greater Austin  
 Homeless Neighborhood Association  
 Lamplight Village Area Neighborhood Association  
 League of Bicycling Voters  
 North Growth Corridor Alliance  
 Northwood Homeowners Association  
 Pflugerville Independent School District  
 River Oaks Lakes Estates Neighborhood  
 Sierra Club, Austin Regional Group  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2010-0030 – 12500 Limerick Ave	NO-MU to GO* *The applicant amended his re-zoning request to LO zoning at the 5/04/10 ZAP Commission meeting.	5/04/10: Approved LO-CO zoning with the following conditions: limit the building size on the site to 2,000 sq. ft. and limit the site to less 200 vehicle trips per day (4-3, D. Tiemann, P. Seeger and B. Baker-No); S. Baldrige-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	5/13/10: Denied LO-CO zoning.
C14-2009-0078 - Limerick	NO to LR* *The applicant	4/20/10: Recommended denial of the applicant's re-zoning	6/24/10: Pending

	sent an e-mail to the staff on 4/29/10 asking to amend his re-zoning request to the GO zoning .	request (7-0); D. Tiemann-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> .	
C14-07-0027	SF-2 to NO	4/03/07: Approved the staff's recommendation of NO-MU zoning on consent (6-0, J. Gohil-abstained; K. Jackson and S. Hale-absent)	5/03/07: Approved NO-MU zoning by consent (7-0); all 3 readings
C14-06-0097	I-RR to: <del>GR</del> CS* * On June 6, 2006, the staff received an e-mail from the agent for this case asking to amend the rezoning request for this property from 'GR' to 'CS'. The CS District will permit the Construction Sales and Services use that currently exists on the site.	8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of-way reservation from the centerline of Parmer Lane (9-0); K. Jackson-1 <sup>st</sup> , B.Baker-2 <sup>nd</sup> .	8/31/06: Approved LR-CO zoning on 1 <sup>st</sup> reading (7-0); J. Kim-1 <sup>st</sup> , L. Leffingwell-2 <sup>nd</sup> .  9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-05-0054	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0053	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0052	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0051	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings

C14-04-0201	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1 zoning (9-0); B. Baker-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	3/03/05: Approved SF-1 on 1 <sup>st</sup> reading (7-0)  4/07/05: Approved SF-1 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0119	NO to LR	9/21/04: Approved staff's rec. of LR (7-0)	10/21/04: Approved LR (7-0); all 3 readings
C14-02-0135	NO to GR	9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0)	10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent)
C14-01-0184	NO to GR	1/29/02: Postponed to 2/26/02 by applicant (8-0, A. Adams-absent) 2/26/02: Approved staff's recommendation of GR-CO zoning with the following conditions: Limit the development intensity to less than 2,000 vehicle trips per day; restrict vehicle access from the property to Tomanet Trail; permit Personal Services as the only 'GR' use; and limit the property to 'NO' uses. (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early)	4/4/02: Approved ZAP rec. of GR-CO with conditions on all 3 readings (6-0, Goodman out of room)
C14-00-2045	NO to GR	5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000 vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft.	6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 <sup>st</sup> reading (7-0)  10/12/00: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-98-0082	NO to GR	8/4/98: Approved GR-CO w/ conditions (9-0)	9/10/98: Approved PC rec. of GR-CO w/ conditions (6-0); 1 <sup>st</sup> reading Administrative-EXPIRED 9/7/99, no 3 <sup>rd</sup> reading
C14-96-0037	NO to LR	5/7/96: Approved LR-CO subject to conditions of no more than 12 parking spaces on the site and a 300 vehicle trip per day limit (8-0)	5/23/96: Approved LR-CO subject to conditions (6-0); 1 <sup>st</sup> reading 8/8/96: Approved LR-CO subject to conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0042	NO to LO	4/26/94: Approved LO-CO	6/9/94: Approved LO-CO (5-0); 1 <sup>st</sup>

		(6-0); subject to ROW; medical offices as only permitted 'LO' use, permit 'NO' uses; 0.15 FAR; 'NO' development regulations	reading  11/17/94: Approved LO-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
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**RELATED CASES:** N/A

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Parmer Lane	160'	MAD 6	Arterial	Yes	No	Yes

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

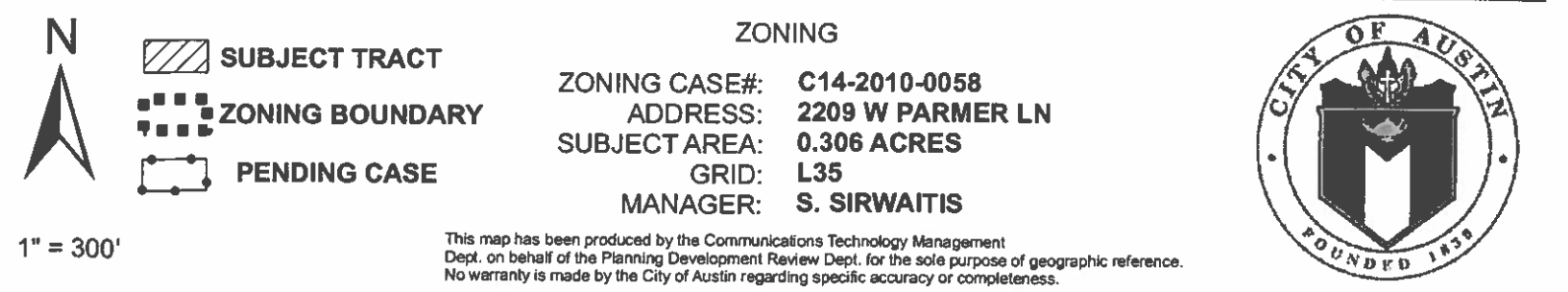
3<sup>rd</sup>

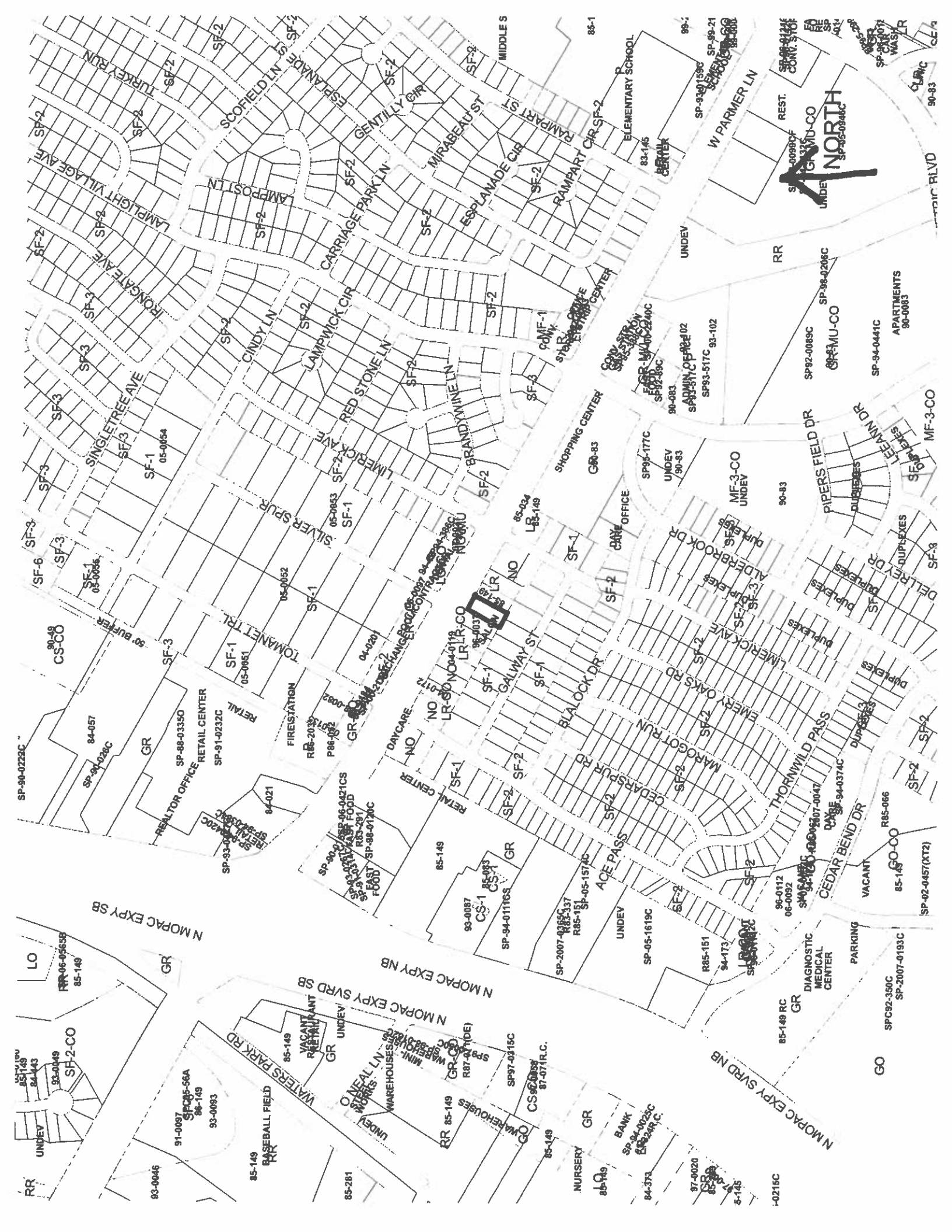
**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

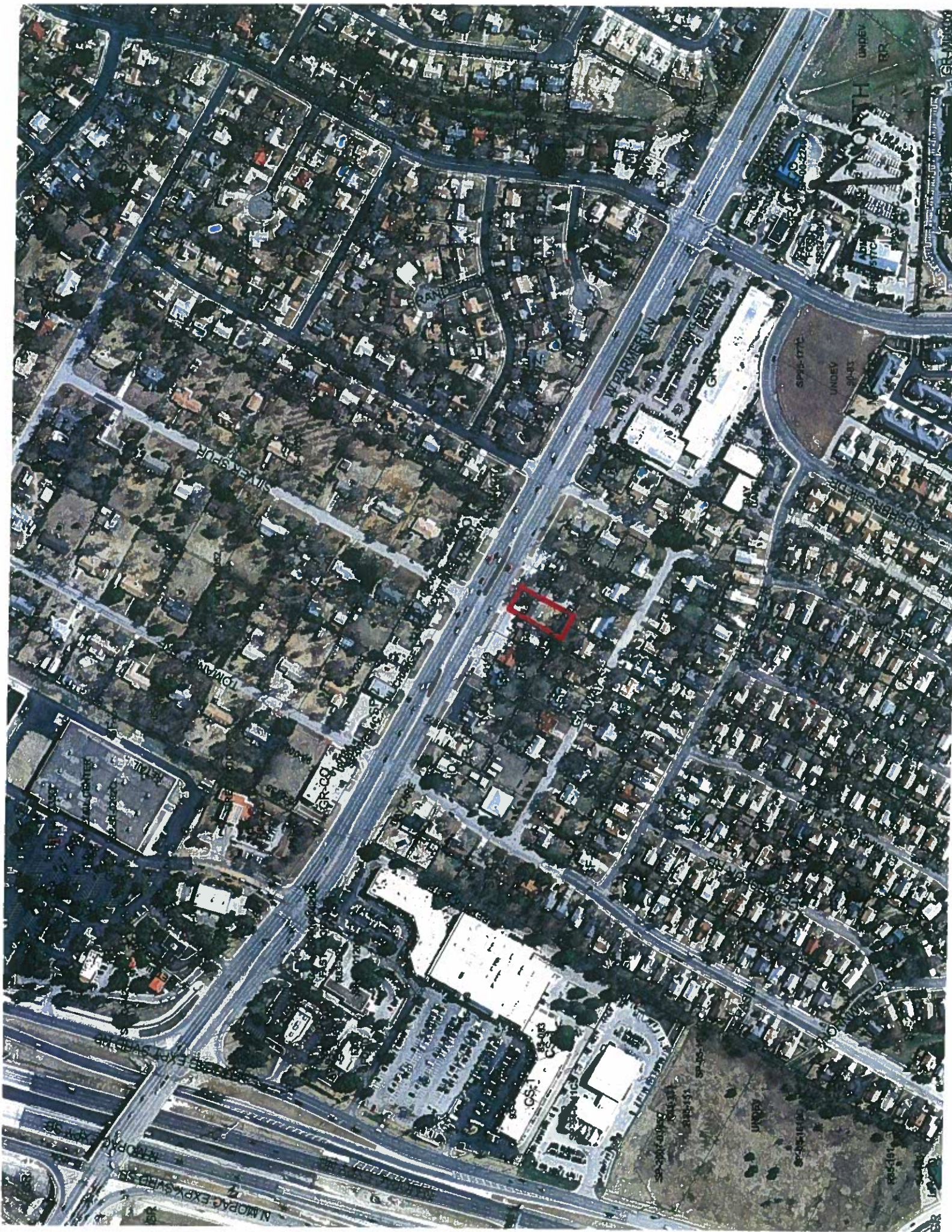
**PHONE:** 974-3057

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## **STAFF RECOMMENDATION**

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day and will prohibit Drive-in Service as an accessory use to a commercial use.

## **BASIS FOR RECOMMENDATION**

1. *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.

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

LR-CO zoning will promote consistency and orderly planning as it will be compatible with surrounding commercial, civic and residential land uses. The property in question is located adjacent to existing LR and LR-CO zoning to the east and west and takes access to Parmer Lane, an arterial roadway. The proposed Neighborhood Commercial District zoning will provide a transition (step down) in the intensity of permitted uses along Parmer Lane to the east, away from the MOPAC Expressway.

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

The LR-CO zoning district will allow the applicant to utilize this property for low intensity commercial uses that will provide services for the residential areas located to the north and south of Parmer Lane.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is currently developed with a single-family residential structure.

### **Environmental**

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

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.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact

the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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%

### **Site Plan / Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

#### **Compatibility Standards**

- a. The site is subject to compatibility standards. Along the South property line, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. A landscape area at least 25 feet wide is required along 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.

- g. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- h. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- i. Additional design regulations will be enforced at the time a site plan is submitted.

### **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.

### **Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for West Parmer Lane (FM 734). Reservation of 100 feet of right-of-way measured from the existing centerline of West Parmer Lane (FM 734) in accordance with the Transportation Plan may be required at the time of site plan or subdivision [LDC, Sec. 25-6-51 and 25-6-55].

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].

Existing Street Conditions:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Parmer Lane	160'	MAD 6	Arterial	Yes	No	Yes

### **Water and Wastewater**

The site is currently served with City of Austin water and an on-site sewage facility. In order to change to the proposed zoning, the owner must connect the site to city wastewater service through the cutover process due to the intended use as a hair salon as stated in the owner's Affidavit of Fact. State law and city ordinance do not allow the wastewater streams from a hair salon to enter an on-site sewage facility. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

FYI. For more information pertaining to the wastewater cutover process, contact Richard Price at 972-0210 or Dan Balboa at 972-0211. The cutover process may also initiate a required review by the Industrial Waste Division and/or the Cross Connection Division.