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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0121 (13825 FM 2769)

**Z.A.P. DATE:** November 15, 2011

**ADDRESS:** 13825 FM 2769 Road

**OWNER/APPLICANT:** Linda Carter

**AGENT:** Conley Engineering, Inc. (Carl Conley)

**ZONING FROM:** DR

**TO:** GR

**AREA:** 0.72 acres (31,363 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

The staff recommends LO-CO, Limited Office-Conditional Overlay Combining District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**DEPARTMENT COMMENTS:**

The property in question was annexed by the City of Austin on October 6, 1985, through Ordinance No. 86-109-C. The site currently contains a used car sales business (Motoreum Classic Cars and Motorcycles). The tracts of land to the north of this site, across FM 2769, are undeveloped and part of the Balcones Canyonland Preserve. The property to the south is owned by Lower Colorado River Authority (LCRA) and is part of a bird habitat area. To the east there are single-family residences. The land to the southeast, across Bullick Hollow Road, is a City of Austin park (Cypress Creek Park).

On June 13, 2011, the applicant was cited by Code Enforcement for operating without a certificate of occupancy (Notice of Violation-Attachment A). The applicant is requesting GR, Community Commercial District, zoning for this property to bring the existing Automotive Sales use into conformance with City of Austin Land Development Code use requirements.

The staff is recommending LO-CO, Limited Office-Conditional Overlay District, zoning at this location because the site meets the intent of the 'LO' district. The proposed zoning will allow the applicant to redevelop an existing commercial structure with office uses that will provide low intensity commercial services to the surrounding residential areas. The property in question does not have city services as city water and wastewater is not available in this area at the current time. The staff is not supportive of more intensive zoning at this location as the property is surrounded by preserve and habitat areas, backs up to floodplain and is located in the Drinking Water Protection Zone.

The applicant does not agree with the staff's recommendation.

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**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	DR	Automotive Sales (Motoreum Classic Cars and Motorcycles)
North	County	Single-Family Residences, Home Occupation (Homegrown Haircuts)
South	DR	Undeveloped (LCRA Bird Habitat Area)
East	DR	Undeveloped (LCRA Bird Habitat Area)
West	County	Undeveloped (Balcones Canyonland Preserve)

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Lake Travis

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Heritage Tree Foundation
- Austin Monorail Project
- Austin Parks Foundation
- Homeless Neighborhood Association
- League of Bicycling Voters
- Leander ISD Population and Survey Analysts
- Sierra Club, Austin Regional Group
- The Parke HOA
- Volente Neighborhood Association

**CASE HISTORIES:** N/A

**RELATED CASES:** There are no pending related cases.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
FM 2769	116'	MNR 2	Arterial	No	No	No

**CITY COUNCIL DATE:** December 8, 2011

**ACTION:**

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

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis




**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)

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### ZONING

ZONING CASE#: C14-2011-0121

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

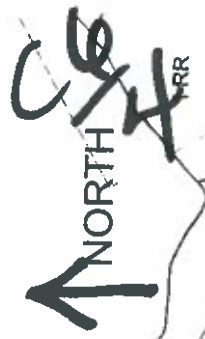


1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.











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## STAFF RECOMMENDATION

The staff recommends LO-CO, Limited Office-Conditional Overlay Combining District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

## BASIS FOR RECOMMENDATION

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

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO 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.*

The proposed zoning will promote consistency and orderly planning because this site is located adjacent to preserve and habitat protection areas to the north and south, residential uses to the east and city parkland to the southwest. The proposed LO-MU zoning will provide for a transition in uses along FM 2769 away from the intersection of Bullick Hollow Road and FM 2769 Road.

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

LO-CO zoning will allow the applicant to redevelop an existing structure on the site to open an office use. The proposed rezoning will permit an administrative, professional and medical office uses in an area that is in need of supporting low intensity commercial services.

## EXISTING CONDITIONS

### Site Characteristics

The site under consideration is currently operating as a used car sales business (Motoreum Classic Cars and Motorcycles). The tracts of land to the north of this site, across FM 2769, are undeveloped and part of the Balcones Canyonland Preserve. The property to the south is owned by Lower Colorado River Authority (LCRA) and is part of a bird habitat area. To the east there are single-family residences. The land to the southeast, across Bullick Hollow Road, is a City of Austin Park (Cypress Creek Park).

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Lake Travis Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to flood plain maps, there is flood plain in or within close proximity of the project location. Based upon the close proximity of the flood plain, offsite drainage should be calculated to

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determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

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

Numerous 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.

**Impervious Cover**

Under the 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>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Note: The most restrictive impervious cover limit applies.

**Site Plan**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the 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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

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**Transportation**

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

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 Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
FM 2769	116'	MNR 2	Arterial	No	No	No

**Water and Wastewater**

City water and wastewater is not available in this area at the current time. Comments released.



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# City of Austin

Founded By Congress, Republic of Texas 1839  
Code Compliance Department  
P.O. Box 1088, Austin, Texas 78767 - 1088

June 13, 2011

**NOTICE OF VIOLATION**  
via Certified Mail #7011 0110 0001 3185 5419

Linda Light Carter  
16120 Wharf Cove  
Leander, Texas 78641-6014

**RE: 13825 F M RD 2769**

Legally described as ABS 2287 SUR 57 NICHOLS A W ACR .721 MH  
S#K2300933 S#MOWH387492 A&B  
Zoned as  
Parcel Number 0167470307

Dear Linda Light Carter:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 974-2362 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 974-2362 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

**Ownership Information**

According to the real property records of Travis County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:

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City of Austin  
Code Compliance Department  
P.O. Box 1088  
Austin, Texas 78767

Additionally, if this property has other owner(s), please provide me with this information.

**Failure to Correct**

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

**If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.**

**Complaints**

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

City of Austin  
Code Compliance Department Manager  
P.O. Box 1088  
Austin, Texas 78767

Sincerely, 

Ira Frisinger, Code Enforcement Inspector  
Code Compliance Department  
Case CV-2011-050353

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## INVESTIGATION REPORT

**Investigator:** Ira Frisinger  
**Case:** CV-2011-050353  
**Address:** 13825 F M RD 2769  
**Zoned as**

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

### LAND USE

**Code Section:** Certificate of Occupancy (§25-1-361)

**Description of Violation:** A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. There is no record of a Certificate of Occupancy for this structure's use.

**Date Observed:** June 9, 2011

**Status:** Not Cleared

**Required Remedy:**

**Code Section:** Certificate of Occupancy (§25-1-361)

**Description of Violation:** A person may not use, occupy, or change the existing use or occupancy of a structure unless the building official has issued a new Certificate of Occupancy for the structure. The Certificate of Occupancy does not reflect motor vehicle sales and repair as the current use or occupancy.

**Date Observed:** June 9, 2011

**Status:** Not Cleared

**Required Remedy:**

### Required Remedy Summary

Obtain Change of Use Permit in 14 days

Obtain correct Certificate of Occupancy in 14 days

**NOTE:** The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

### Appeal

No appeal is available for land use issues. However, a person may appeal a Stop Work Order to the City of Austin's Building Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

An appeal may be delivered in person to the Office of the Director of the Planning and Development Review Department located at 505 Barton Springs Road or mailed to:

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**Building Official**  
**Planning and Development Review Department**  
**P.O. Box 1088**  
**Austin, Texas 78767**



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13825 FM 2769 Austin, Texas 78726

: Provided by the applicant

Tax records indicate the building was built in 1983.

Past businesses/uses, Dates of use are estimated

1983 – 19?? Libby's Bait shop, Convenience Store, Restaurant with Bar and Dancing

1993-1995 Jeff's Bar Bar and Restaurant

1996 – 1998 Roscos Italian Restaurants, Bar and convenience store

1999- ? Mike Weslch Sewing Business

2000 Teak Furniture warehouse and sales

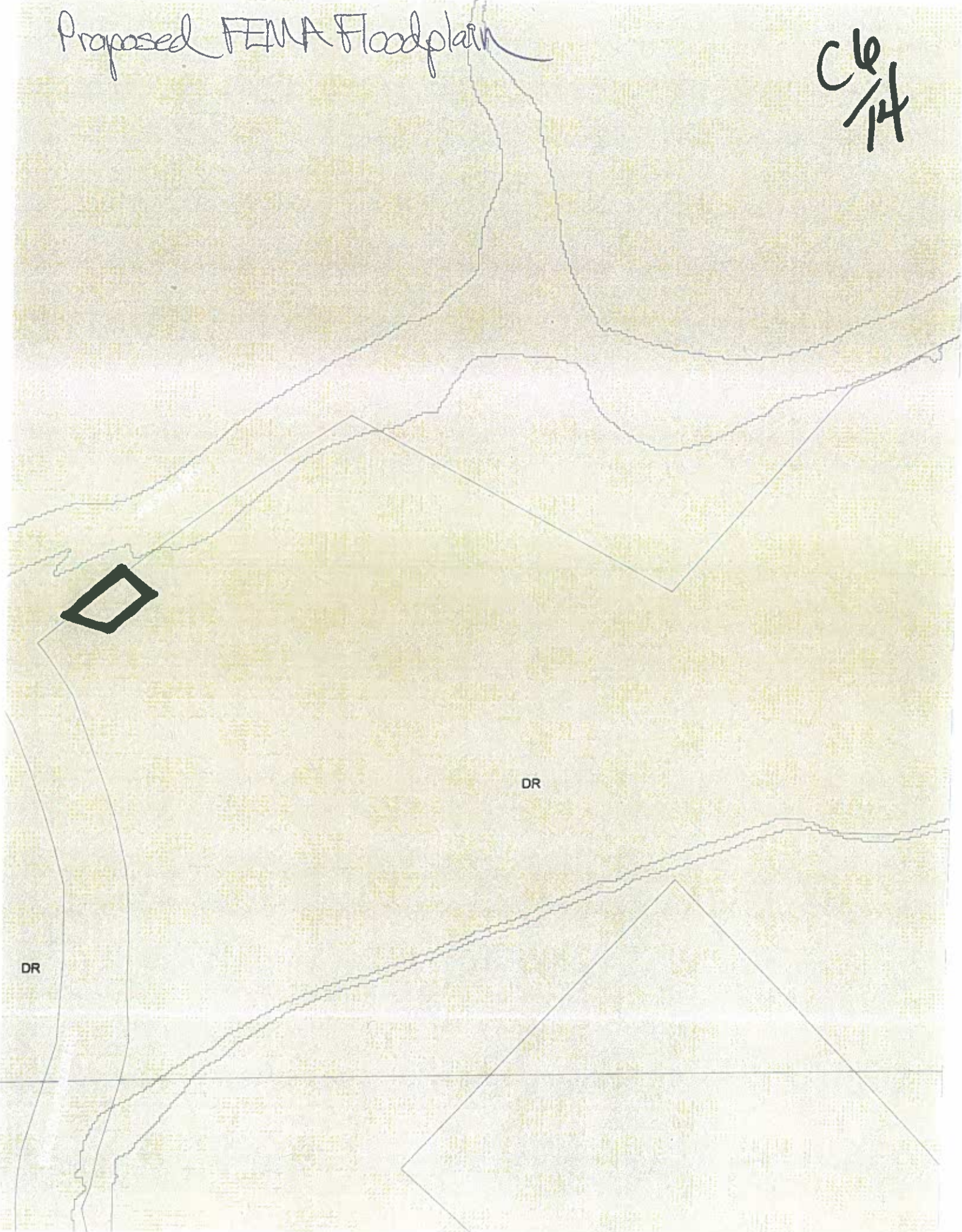
2002 Teak furniture business expanded to included Plant Nursery & satellite real estate office

2009 Antiques Store

2010 Motoreum Classic Auto and Motorcycle Sales

# Proposed FEMA Floodplain

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Case # C14-2011-0121

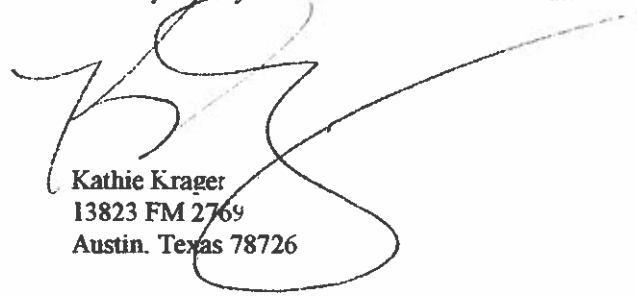
City of Austin  
Planning & Development Review Department  
Sherri Sirwaitis

This tract of land is located in an environmentally sensitive area with no public utilities or fire hydrants. The County and TXDOT roads that intersect at the corner of this tract of land are two lane rural, narrow and heavily traveled roads.

To my knowledge there are no plans to improve the roads or offer public utilities.

I believe a zoning change to GR would create more dangers to public safety as well as having a detrimental impact on the environment.

Thank you for your consideration on this matter.



Kathie Krager  
13823 FM 2769  
Austin, Texas 78726

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2011-0121**  
**Contact: Sherri Sirwaitis, (512) 974-3057**  
**Public Hearing: Nov 15, 2011, Zoning and Platting Commission**  
**Dec 8, 2011, City Council**

KATHIE KRAEER

Your Name (please print)

I am in favor  
 I object

13823 FM 2769 - Austin, Texas 78726

Your address(es) affected by this application

[Signature]  
Signature

11/7/11  
Date

Daytime Telephone: (512) 258-4438

Comments: This tract of land is located in an environmentally sensitive area with no public utilities or fire hydrants. The county 3400 road that intersects at this tract are 2-lane rural, narrow and heavily traveled. To my knowledge there are no plans to improve the roads or offer public utilities. I believe a zoning change to use would create a real danger to public safety as well as be detrimental to the environment.

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

[Signature]