

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-2011-0111 (Naser Rezoning)

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 12030 North Lamar Boulevard from LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning to LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning.

The ordinance and public restrictive covenant reflect the conditions imposed by the City Council on 1<sup>st</sup> reading.

**PROPERTY OWNER:** Faris Properties (Nasib Nasar)

**DEPARTMENT COMMENTS:**

The property in question currently contains an Automotive Repair use (Faris Used Tires) and another lot with a newly developed unoccupied structure. There is a paving company (Construction Sales and Services use) to the north. The lots to the south contain a General Retail Sales-Convenience business (Clay Imports) and offices for Construction Sales and Services businesses (Austintatious Pools and Webco Distributing and Floorcovering). The applicant is requesting LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning for this site because he would like to remove the requirement for a 2,000 vehicle trip limit per day. The applicant has completed a Transportation Impact Analysis (TIA) for this site because he would like to redevelop the property with a restaurant and a retail center, which may or may not include the existing auto tire store (TIA Memorandum-Attachment A). The applicant has been cited by Code Enforcement for operating without a certificate of occupancy and remodeling the existing commercial structure on the site without a building permit (Notice of Violation-Attachment B). To address code compliance concerns, the applicant submitted a site plan for this property late last year (SP-2010-0099C). This site plan expired on April 14, 2011. If the rezoning is approved, the owner intends to resubmit a new site plan application for mixed-use development.

The staff recommends the applicant's request because the staff believes LR-CO zoning is appropriate for this site. The property in question was zoned LR-CO in 2008 through case C14-2008-0191. The staff continues to recommend LR-CO zoning at this location because the site under consideration meets the intent of the Neighborhood Commercial district as it is located adjacent to a religious assembly use and a multifamily residential use. In addition, low intensity commercial zoning is appropriate at this location because the property backs up to existing floodplain, Walnut Creek, to the west. The staff's recommendation in this case is consistent with our recommendation in for the two properties directly to the north of this site, which were also zoned LR-CO last year in cases C14-2010-0020 and C14-2010-0021.

The applicant agrees with the City Council's recommendation at 1<sup>st</sup> reading.

**DATE OF FIRST READING:** December 8, 2011

**ACTION:** Approved LR-CO district zoning, to change a condition of zoning, on consent on 1<sup>st</sup> reading (6-0, S. Cole-off dais); B. Spelman-1<sup>st</sup> L. Morrison-2<sup>nd</sup>.

**CITY COUNCIL DATE:** April 26, 2012

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Sherri Sirwaitis

**PHONE:** 974-3057  
sherri.sirwaitis@ci.austin.tx.us

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0111 (Naser Rezoning)

**Z.A.P. DATE:** October 4, 2011  
October 18, 2011  
November 15, 2011

**ADDRESS:** 12030 North Lamar Boulevard

**OWNER/APPLICANT:** Faris Properties (Nasib Nasar)

**ZONING FROM:** LR-CO

**TO:** LR-CO

**AREA:** 2.881 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is for LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit Consumer Convenience Services, Offsite Parking, Guidance Services, and Service Station uses on the property.

In addition, if the requested zoning is granted, site development should be limited to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA (Scott Feldman, P.E., Alliance Transportation Group, Inc. -- November 2011) through a public restrictive covenant. The TIA recommendations are included as Attachment A to this report.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

10/04/11: Postponed to October 18, 2011 at the applicant's request (6-0); P. Baldrige-1<sup>st</sup>, G. Rojas-2<sup>nd</sup>.

10/18/11: Postponed to November 15, 2011 at the applicant's request (6-0); G. Rojas, S. Baldrige.

11/15/11: Approved staff's recommendation of LR-CO zoning on consent (6-0, G. Bourgeois-absent); P. Seeger-1<sup>st</sup>, C. Banks-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question currently contains an Automotive Repair use (Faris Used Tires) and another lot with a newly developed unoccupied structure. There is a paving company (Construction Sales and Services use) to the north. The lots to the south contain a General Retail Sales-Convenience business (Clay Imports) and offices for Construction Sales and Services businesses (Austintatious Pools and Webco Distributing and Floorcovering). The applicant is requesting LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning for this site because he would like to remove the requirement for a 2,000 vehicle trip limit per day. The applicant has completed a Transportation Impact Analysis (TIA) for this site because he would like to redevelop the property with a restaurant and a retail center, which may or may not include the existing auto tire store (TIA Memorandum-Attachment A). The applicant has been cited by Code Enforcement for operating without a certificate of occupancy and remodeling the existing commercial structure on the site without a building permit (Notice of Violation-Attachment B). To address code compliance concerns, the applicant submitted a site plan for this property late last year (SP-2010-0099C). This site plan expired on April 14, 2011. If the rezoning is approved, the owner intends to resubmit a new site plan application for mixed-use development.

The staff recommends the applicant's request because the staff believes LR-CO zoning is appropriate for this site. The property in question was zoned LR-CO in 2008 through case C14-2008-0191. The staff continues to recommend LR-CO zoning at this location because the site under consideration meets the intent of the Neighborhood Commercial district as it is located adjacent to a religious assembly use and a multifamily residential use. In addition, low intensity commercial zoning is appropriate at this location because the property backs up to existing floodplain, Walnut Creek, to the west. The staff's recommendation in this case is consistent with our recommendation in for the two properties directly to the north of this site, which were also zoned LR-CO last year in cases C14-2010-0020 and C14-2010-0021.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR-CO	Automotive Repair (Used Tire Sales)
<i>North</i>	LR-CO	Warehouse - Construction Sales and Services (Paving Company)
<i>South</i>	NO, W/LO	General Retail Sales (Clay Imports), Construction Sales and Services (Austintacious Pools, Webco Distributing and Floorcovering), Construction Sales and Services (Cody Building Supply)
<i>East</i>	SF-6-CO	Multifamily (On the Green Apartments)
<i>West</i>	RR	Religious Assembly and Cemetery (Walnut Creek Baptist Church & Cemetery)

**AREA STUDY:** N/A

**TIA:** 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 Neighborhoods Council  
Austin Monorail Project  
Austin Parks Foundation  
Gracywoods Neighborhood Association  
Homebuilders Association of Greater Austin  
Homeless Neighborhood Association  
League of Bicycling Voters  
North Growth Corridor Alliance  
River Oaks Lakes Estates Neighborhood  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appeals Organization  
The Real Estate Council of Austin, Inc.  
Walnut Creek Neighborhood Association, Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2010-0154 (La Palma Plaza Rezoning: 12030 North Lamar Blvd.)	LR-CO to GR	4/05/11: Approved staff's recommendation for denial (5-0, S. Baldrige-absent); P. Seeger-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> .	5/12/11: Denied the rezoning request(7-0); S. Cole-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup>
C14-2010-0021 (12104 N. Lamar Blvd.)	NO to LR	4/06/10: Approved the staff's recommendation of LR-CO zoning, with additional conditions to prohibit Consumer Convenience Services, Off-Site Accessory Parking, Guidance Services, and 24-hour uses (6-0, S. Baldrige-No); D. Tiemann-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	5/13/10: Approved ZAP rec. of LR-CO zoning on consent on all 3 readings (7-0); Morrison-1 <sup>st</sup> , Spellman-2 <sup>nd</sup> .
C14-2010-0020 (12108 N Lamar Blvd)	NO to LR	4/06/10: Approved the staff's recommendation of LR-CO zoning, with additional conditions to prohibit Consumer Convenience Services, Off-Site Accessory Parking, Guidance Services, and 24-hour uses (6-0, S. Baldrige-No); D. Tiemann-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .  5/04/10: The case was re-heard by the Commission due to a notification error. The Commission re-approved their previous motion of LR-CO zoning, with additional conditions to prohibit Consumer Convenience Services, Off-Site Accessory Parking, Guidance Services and 24-hour uses, on consent (7-0); P. Seeger-1 <sup>st</sup> , D. Tiemann-2 <sup>nd</sup> .	5/13/10: Approved ZAP rec. of LR-CO zoning on consent on all 3 readings (7-0); Morrison-1 <sup>st</sup> , Spellman-2 <sup>nd</sup> .
C14-2008-0191	NO to GR	8/21/08: Approved LR-CO on consent, with CO for 2,000 vtpd limit and added the following conditions: Prohibit Consumer Convenience Services, Offsite Parking, Guidance Services, and Service Station uses (4-0, B. Baker, J. Gohil, and K. Jackson-absent)	11/21/08: Approved LR-CO by consent on all 3 readings (6-0, B. McCracken-absent); L. Morrison-1 <sup>st</sup> , L. Leffingwell-2 <sup>nd</sup> .
C14-06-0217	NO to GO	12/19/06: Approved staff rec. of GO by consent (9-0)	1/25/07: Approved GO zoning (6-0); all 3 readings

C14-05-0104	NO to GO	<p>8/16/05: Approved staff's recommendation for GO-CO zoning with the following additional conditions:</p> <ol style="list-style-type: none"> <li>1) The property shall have a 10-foot vegetative buffer along North Lamar Boulevard;</li> <li>2) Detention for the site should be addressed at the time of site plan review;</li> <li>3) Create a restrictive covenant (public or private as determined by the Law department) to prohibit Modeling Services in a Personal Services use. The restrictive covenant shall be filed prior to 3<sup>rd</sup> reading of the case at City Council. Vote: 8-0, K. Jackson-absent; C. Hammond-1<sup>st</sup>, J. Martinez-2<sup>nd</sup>.</li> </ol>	9/29/05: Approved GO-CO zoning by consent (7-0); all 3 readings
C14-05-0066	LO to GR	<p>7/05/05: Approved GR-CO zoning for Tract 1. The conditional overlay for Tract 1 will prohibit the uses set out by staff, except to allow Food Sales as a permitted use. Approved LO-CO zoning for Tract 2. The conditional overlay will limit Tract 2 to NO (Neighborhood Office) development regulations, prohibit Medical uses, prohibit parking for uses developed on Tract 1, and require a minimum 100-foot development setback from the centerline of Walnut Creek (7-1, C. Hammond-Nay; M. Hawthorne-Absent)</p>	<p>8/04/05: Approved ZAP recommendation for GR-CO zoning (7-0); 1<sup>st</sup> reading only</p> <p>9/01/05: Approved GR-CO zoning on consent (7-0-); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
C14-04-0133	DR, LO to GR	<p>10/5/04: Approved staff's recommendation of GR-CO district zoning for Tract 1 and LO-CO district zoning for Tract 2. Additional condition for Tract 1 is LR development standards. The following uses are removed from the prohibited use list: Business or Trade School; General Retail Sales (General); Business Support Services; Consumer Repair Services; Financial Services, and</p>	<p>10/21/04: Approved staff's recommendation of GR-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with additional condition of 'LR' district development standards for Tract 1 (7-0); 1<sup>st</sup> reading</p> <p>11/4/04: Approved GR-CO zoning for Tract 1 and LO-CO for Tract 2 (7-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>

		Pet Services (9-0); K. Jackson-1 <sup>st</sup> , J. Martinez-2 <sup>nd</sup> .	
C14-03-0162	LO to GR-CO	12/2/03 – Postponed at the request of staff, due to a notice error (9-0)  12/16/03 – Approved GR-CO, with added condition (8-0)	1/29/04: Approved GR-CO (5-0); all 3 readings
C14-00-2020	RR to GO-CO	4/18/00: Denied (6-0)	8/30/00: Withdrawn
C14-00-2152	DR to LO-CO	8/22/00: Approved LO-CO. The CO prohibits access to North Bend Dr. and limits trips to 2,000 per day (8-0)	10/5/00: Approved LO-CO (5-0); all 3 readings
C14-99-2055	RR to NO	11/16/99: Approved staff rec. of RR by consent (6-0-1, B. Baker-abstain)	9/21/00: Withdrawn-There was a mapping error, the property was already zoned NO.
C14-90-0002	NO to W/LO	4/10/90: Approved W/LO (5-0-3)	5/10/90: Approved W/LO (6-0); 1 <sup>st</sup> reading 8/2/90: Approved W/LO (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-2010-0154 (Previous zoning case for this site)  
C14-2008-0191 (Previous zoning case for this site)  
SP-2010-0154 (Current Site Plan Submittal)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
N Lamar Blvd	100'	70'	Arterial	No	No	Yes

**CITY COUNCIL DATE:** November 3, 2011

**ACTION:** Postponed at the staff's request to December 8, 2011 on consent (7-0); B. Spelman-1<sup>st</sup>, L. Morrison-2<sup>nd</sup>.

December 8, 2011

**ACTION:** Approved LR-CO district zoning, to change a conditions of zoning, on consent on 1<sup>st</sup> reading (6-0, S. Cole-off dais); B. Spelman-1<sup>st</sup> L. Morrison-2<sup>nd</sup>.

**ORDINANCE READINGS:** 1<sup>st</sup> 12/08/11

2<sup>nd</sup>

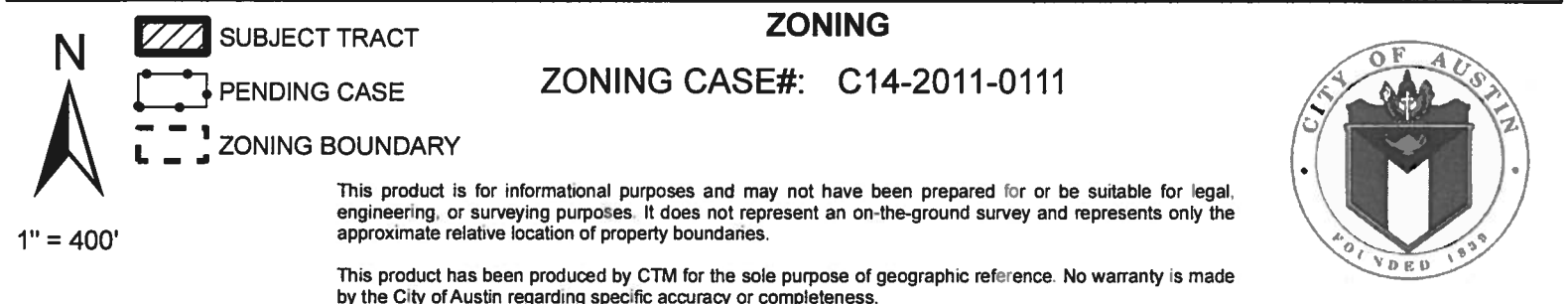
3<sup>rd</sup>

**ORDINANCE NUMBER:**

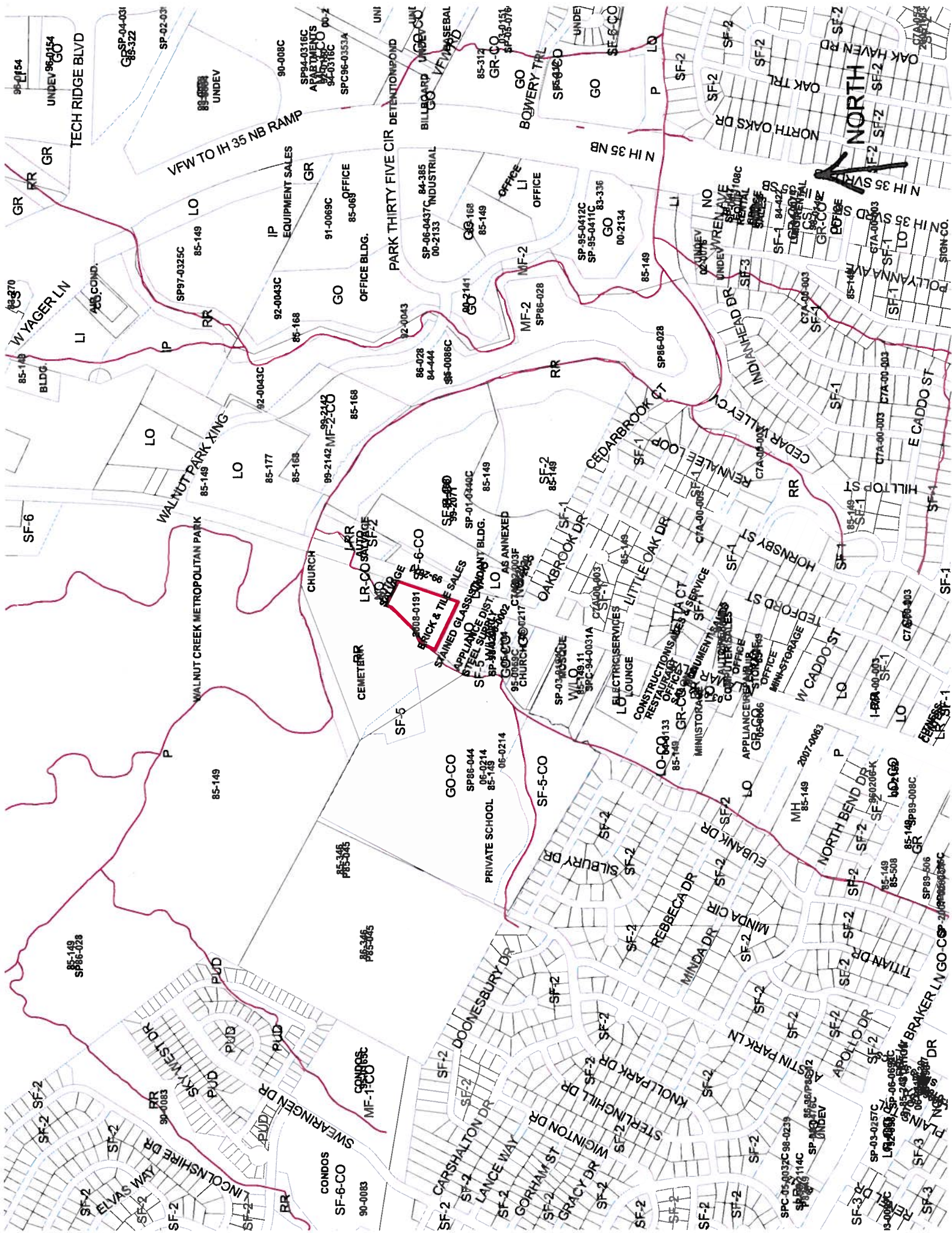
**ZONING CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057

**E-mail:** sherri.sirwaitis@ci.austin.tx.us













## **STAFF RECOMMENDATION**

The staff's recommendation is for LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit Consumer Convenience Services, Offsite Parking, Guidance Services, and Service Station uses on the property.

In addition, if the requested zoning is granted, site development should be limited to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA (Scott Feldman, P.E., Alliance Transportation Group, Inc. – March 2011) through a public restrictive covenant. The TIA recommendations are included as Attachment A to this report.

## **BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):**

1. *The proposed zoning should be is 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 uses are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The property is not located at the intersection of major traffic ways. The site backs up to floodplain (Walnut Creek) and a religious assembly use (Walnut Creek Baptist Church & Cemetery).

2. *Granting of the request should result in an equal treatment of similarly situated properties.*

The two properties directly to the north of this site, which is similarly located with the religious assembly use to the west and the multifamily use to the east, were zoned LR-CO through zoning cases C14-2010-0020 and C14-2010-0021 in May of last year.

3. *Zoning should allow for reasonable use of the property.*

The current LR-CO zoning will allow the applicant to develop low intensity commercial and office uses on a property that fronts on and takes access to North Lamar Boulevard, an arterial roadway. LR-CO zoning at this location will permit the development of retail uses that will provide services to the multifamily residential use to the east.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration currently contains an Automotive Repair use (Faris Used Tires). There is a paving company (Construction Sales and Services use) to the north. The lots to the south contain a General Retail Sales-Convenience business (Clay Imports) and offices for Construction Sales and Services businesses (Austintatious Pools and Webco Distributing and Floorcovering). The site backs up to floodplain (Walnut Creek) and a religious assembly use (Walnut Creek Baptist Church & Cemetery). There is a multifamily use (On the Green Apartments) to the east, across North Lamar Boulevard.

## **Environmental**

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

According to floodplain 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.

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.

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.

## **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

## **Impervious Cover**

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

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%

Note: The most restrictive impervious cover limit applies.

## **Site Plan/Compatibility Standards**

No comments received.

### **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**

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. *Comments will be provided in a separate memo when the review process is completed by both the Planning and Development Review Department and the Austin Transportation Department.*

There are existing sidewalks along the east side of North Lamar Boulevard.

N Lamar Blvd. is classified in the Bicycle Plan as a Priority 2 bike route.

Capital Metro bus service is available along N. Lamar Blvd. with the #101 N Lamar/S Congress Limited Service

Name	ROW	Pavement	Classification	ADT
N Lamar Blvd	70'-120'	60'	Major Arterial	26, 930+

+ 10600 block of N Lamar Blvd., north of McPhaul Street on 2/18/09.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. 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. Water and wastewater utility plans 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.



## MEMORANDUM

**TO:** Sherri Sirwaitis, Case Manager, Current Planning Division  
**CC:** Scott Feldman, P.E., Alliance Transportation Group, Inc.  
**FROM:** Joe Almazan, Land Use Review Division  
**DATE:** November 9, 2011  
**SUBJECT:** Traffic Impact Analysis for 12030 North Lamar Boulevard (aka La Palma Plaza)  
 Zoning Case No: C14-2011-0111

The Transportation Review Section has reviewed the traffic impact analysis for 12030 North Lamar Blvd. (aka La Palma Plaza) dated November 2011 (updated submission), prepared by Scott Feldman, P.E., Alliance Transportation Group, Inc. and provides the following summary and recommendations:

### Trip Generation

The La Palma Plaza project is located between Braker Lane and Yager Lane on North Lamar Blvd. in north Austin. The project is planned as a mixed-use development that will contain a 15,840 sq.ft. supermarket, 4,200 sq.ft. high turnover sit-down restaurant, and a 1,500 sq.ft. automotive tire store. On April 12, 2010, a site plan application was filed for this project (Case No. SP-2010-0099C), but expired on April 14, 2011. If the rezoning is approved, the owner intends to resubmit a new site plan application for the same mixed-use development.

The property is currently developed with the automotive tire store. Final build-out for the project is anticipated by the end of 2012. Access to the site is proposed with two (2) driveways on North Lamar Blvd. The site is currently served by four (4) driveways.

The table below shows the unadjusted trip generation by land use for the proposed development based on ITE's *Trip Generation Report*, 8<sup>th</sup> ed.

Table 1. Unadjusted Trip Generation						
Land Use	Size	ADT	AM Peak		PM Peak	
			Enter	Exit	Enter	Exit
Supermarket	15,840	1,636	35	22	86	82
High Turnover Sit-Down Restaurant	4,200	534	25	23	28	18
Automotive Tire Store	1,500	38	3	1	3	3
<b>Total</b>		2,208	63	46	117	103

Based on the land uses assumed for this mixed-use development, reductions for pass-by traffic were also applied to the peak hour evening trips. No reductions were assumed for internal capture or bus transit usage. Results of the adjusted trip generation and pass-by reduction by land use are shown in Table 2.

background (or "non-site") delays during the A.M. and P.M. peak hour travel period. Existing and projected traffic volumes using the roadway system without the proposed project (or "site") are generally referred to as **background** traffic volumes. For the analysis, background traffic includes traffic counts collected in July 2010.

As recommended in the analysis, the intersection of Lamar Blvd. and Braker Lane should include a southbound right-turn lane with 150 feet of storage space. Also, signal timing optimization is recommended by adding more "green" time to both the Braker Lane westbound through and westbound left approaches and less "green" time to the Lamar Blvd. northbound and southbound through approaches. These improvements would become necessary with 2012 traffic conditions and full build-out of the project.

### **Recommendations/Conclusions**

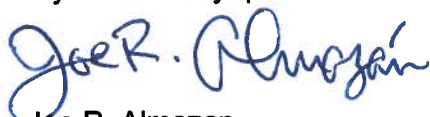
(1) Prior to 3<sup>rd</sup> reading of the zoning at City Council, the following pro-rata share should be posted:

<b>Intersection</b>	<b>Improvements</b>	<b>Total Costs</b>	<b>Pro-Rata Share Percentage (%)</b>	<b>Pro-rata Share Dollars (\$)</b>
Lamar Blvd. and Braker Lane	Construct southbound right-turn lane with 150 feet of storage.	\$40,331.00	8.8 %	\$3,549.00
Lamar Blvd. and Braker Lane	Traffic signal optimization	\$2,500.00	1.9%	\$47.50
<b>Total</b>		<b>\$42,831</b>		<b>\$3,596.50</b>

- (2) As a condition of site plan approval and release, 70 feet of right should be dedicated from the existing centerline of Lamar Blvd. in accordance with the Austin Metropolitan Area Transportation Plan (AMATP), the Land Development Code, and the Transportation Criteria Manual. The AMATP calls for a total of 140 feet of right-of-way for Lamar Blvd. Currently, the existing right-of-way for Lamar Blvd. is 100 feet.
- (3) As recommended in the TIA, the southern driveway should be designed with one left-turn lane and one right-turn lane for exiting site traffic. Both site driveways should be designed in accordance with City of Austin and Texas Department of Transportation (TxDOT) standards. The applicant should also coordinate with Capital Metro for the existing bus stop in front of the property (#1L North Lamar Local and #101 North Lamar/South Congress Limited) for temporary bus stop closure during site construction.
- (4) Development of this property should be limited to uses and intensities which do not exceed or vary from the from the projected traffic conditions assumed in the TIA, including peak hour trip generation, traffic distribution, roadway conditions, and other traffic related characteristics.
- (5) At least three (3) copies of the final TIA incorporating all corrections and revisions must be submitted prior to 3<sup>rd</sup> reading of the zoning at City Council.

---

If you have any questions or require additional information, please contact me at 974-2674.



Joe R. Almazan  
Land Use Review Division/Transportation Review Section  
Planning and Development Review Department



## City of Austin

*Founded By Congress, Republic of Texas 1839*

Code Compliance Department

P.O. Box 1088, Austin, Texas 78767 - 1088

December 6, 2010

### NOTICE OF VIOLATION

via Certified Mail # 7010 0290 0001 4213 0631

Nasib Naser & May Aranki  
3575 Ashmere Loop  
Round Rock, Texas 78681-1003

RE: 12030 N LAMAR BLVD 78753  
Legally described as 2.3045 ACR OF LOT 1 STARK FRANK SUBD  
Zoned as LR-CO  
Parcel Number 0254200108

Dear Nasib Naser & May Aranki:

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 512-974-1921 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 512-974-1921 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:

**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.

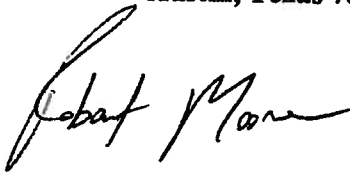
**If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.**

**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,



Robert Moore, Code Enforcement Inspector  
Code Compliance Department  
Case CV-2010-102705

**INVESTIGATION REPORT**

**Investigator: Robert Moore  
Case: CV-2010-102705  
Address: 12030 N LAMAR BLVD 78753  
Zoned as LR-CO**

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: Permitted, Conditional, and Prohibited Uses (§25-2-491)**

**Description of Violation:** Auto body repair and vehicle storage are prohibited in an LR zoning district.

**Date Observed:** December 6, 2010

**Status:** Not Cleared

**Required Remedy:** Cease all automotive repair work and remove all stored vehicles from the premise.

**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:** November 15, 2010

**Status:** Not Cleared

**Required Remedy:** Obtain a Certificate of Occupancy

**Code Section: Site Plans Required (§25-5-1)**

**Description of Violation:** A person may not change the use of the property prior to obtaining an approved and released site plan/site plan exemption.

**Date Observed:** December 15, 2010

**Status:** Not Cleared

**Required Remedy:** Obtain an approved site plan for auto body shop.

#### **Required Remedy Summary**

Obtain A Certificate Of Occupancy in 15 days

Obtain An Approved Site Plan For Auto Body Shop in 15 days

Cease All Automotive Repair And Remove All Stored Vehicles From Premise in 15 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:

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

# Required Resolution

10-18-10

Please obtain

the necessary permit

for the repair,

remodeling of

commercial building

within 14 days

Correct within 14 days.

White: Investigator Copy  
Yellow: Customer Copy

02/09

REVISED CARS		TICKET NUMBER	
Austin Citation <input type="checkbox"/> TR <input type="checkbox"/> CM		13 661273	
DL# 12805754		STATE TX	DL TYPE A B C M
LAST NAME FIRST NAME MIDDLE INITIAL			
Naser Nasib Zaki			
RESIDENCE ADDRESS			
3575 Ashmere LP			
CITY	STATE	ZIP CODE	RES PHONE (AC)
Round Rock	TX	78681	299-1647
DATE OF BIRTH	White Black Hispanic Asian	SEX	HEIGHT EYES
02-01-60	Native Amer. Middle Eastern Other	F	6-00 42L
EMPLOYER OR SCHOOL	BUSINESS ADDRESS	BUSINESS PHONE (AC)	
owner			
OCCUPATION	SCHOOL ZONE?	WORKERS IN COMM. ZONE?	HAZ MATERIAL?
owner	YES <input type="checkbox"/>	YES <input type="checkbox"/>	YES <input type="checkbox"/>
VEH COLOR	VEH YEAR	VEHICLE MAKE	VEH TYPE
VIOLATION DATE	VIOL TIME	CONDITIONS	NAME OF PARK OR SCHOOL
10-18-10	10:30 AM <input type="checkbox"/> PM <input type="checkbox"/>	Light <input checked="" type="checkbox"/> Dark <input type="checkbox"/> Wet <input type="checkbox"/>	
VIOLATION LOCATION	COUNTY	DIRECTION	
12030 N. Lamar Blvd	Travis		
VIOLATION (A)	No Building Permit		VIOL CODE
VIOLATION (B)			VIOL CODE
VIOLATION (C)			VIOL CODE
REASON FOR STOP			
Remodeling Commercial Building			
ROK	PS	VS	RPS
Cell phone	STEP	CAD	
ALLEGED SPEED:	SPEED LIMIT:	<input type="checkbox"/> RADAR <input type="checkbox"/> LASER <input type="checkbox"/> PACED	COLLISION? YES <input type="checkbox"/>
		<input type="checkbox"/> AIRCRAFT <input type="checkbox"/> VISUAL	BLUE FORM? <input type="checkbox"/>
OFFICER	OFFICER		EMP#
Wainwright 12003			
APPEARANCE DATE AT COURT / FECHA PARA PRESENTARSE		READ CITATION FOR ADDITIONAL INFORMATION AND OPERATING HOURS	
11-12-10			
I HAVE RECEIVED THIS WRITTEN NOTICE TO APPEAR AND I WILL APPEAR AT THE CITY OF AUSTIN MUNICIPAL COURT ON OR BEFORE THE DATE AND TIME DESIGNATED ABOVE IN ORDER TO ENTER A PLEA OF GUILTY, NOT GUILTY OR NO CONTEST TO EACH VIOLATION LISTED ON THIS TICKET			
SU FIRMA ES LA PROMESA QUE SE PRESENTARA EN LA CORTE MUNICIPAL PARA INFORMACIÓN LLAME A (512) 674-4800.			
THIS IS NOT A PLEA OF GUILTY, ONLY A PROMISE TO APPEAR.			
SIGNATURE/SU FIRMA			
X NASIB Z. NASER			
READ INSTRUCTIONS ON THE BACK OF CITATION CAREFULLY			

COURT COPY



## STOP WORK ORDER - PERMIT(S) REQUIRED

Address: 12030 N. Lamar Blvd  
Owner: Naser  
Contractor: \_\_\_\_\_  
Date: 10-18-10 Investigator: M. Ranz Tel: 974-6781

Be advised that Section 25-1-441 of the Austin City Code specifies that a permit is required for the construction, alteration, repair, erection, demolition, or relocation of a structure. Because work has started without proper permit(s), all work must stop immediately.

- ☒ Section 25-11-32 requires a permit to be obtained prior to performing the following activities:
- ☒ Building (2000 IRC, R105.1; 2003 IBC, 105.1) ☐ Electrical
  - ☐ Plumbing (2003 UPC, 103.1.1) ☐ Mechanical (Section 25-13-133, 112.1)
- ☐ Section 25-11-37 requires a demolition permit to be obtained prior to demolishing a structure or portion of a structure.
- ☐ Section 25-11-141 requires a relocation permit to be obtained prior to relocating a structure or portion of a structure.

Description of Work: Repairing/remodeling Commercial Bldg

To comply with the Austin City Code, you must obtain the proper permit(s) within:

- ☐ 7 days (for residential property) ☒ 14 days (for commercial property)
- ☒ An Investigation Fee will be assessed which double the cost of the permit(s).

For questions concerning residential property, you may contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, you may contact the Development Assistance Center (DAC) at (512) 974-6370.

A person may appeal this Order to the City of Austin's Building Official. A written appeal must be filed no later than 3 days after the posting of this 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.

## ORDEN DE PARAR EL TRABAJO - PERMISO(S) REQUERIDOS

Sea informado que la sección 25-1-441 del Código de la Ciudad de Austin especifica que se requiere un permiso para la construcción, modificación, reparación, erección, demolición, o traslado de una estructura. Como el trabajo ha comenzado sin el permiso(s) apropiado, todo el trabajo debe pararse inmediatamente.

Una persona puede apelar esta Orden a del Oficial de Edificio de la Ciudad de Austin. Una petición escrita no debe ser archivada más tarde que 3 días después de la fijación de esta Orden y contener:

- el nombre y dirección del apelante;
- una declaración de hechos;
- la decisión apelada; y
- los motivos la decisión deberían ser puestos aparte.

Si usted tiene alguna pregunta, puede ponerse en contacto conmigo por teléfono entre 7:30 de la mañana y 4:00 de la tarde, de lunes a viernes, o puede dejar un mensaje de correo vocal de mí en cualquier momento.

02/08









# WARNING



## NOTICE OF AUSTIN CITY CODE VIOLATION

☐ Person

☐ Owner

☒ Tenant

☒ Agent

☐ Manager

☒ Employee

Date: 11-15-2010 at 10:55 am pm

Violation Address: 12030 N. Lamar

Company Name:

Individual Name: Clemente Gonzalez-Lopez

Address: 7020 Grand Canyon Dr Apt 164

Work #: 801-9210

Home #:

DL #: Mexico 6098660

DOB: 11-23-1967

City Code	VIOLATION TYPE
25-2-893(B)	Accessory Use - Excess Vehicles
25-2-893	Accessory Use - Residential
25-12-231	Building - Dangerous (see Notes)
25-2-899	Fence - Height Violation (see Notes)
25-12-213	Fence - Nuisances, Section 401. 2.
15-6-17(F)	Garbage Cart Left at Curb
25-2-900	Home Occupation (see Notes)
25-12-211	Housing Code (see Notes)
10-5-42	Illegal Dumping
25-12-211	Improper Occupancy (see Notes)
✓ 25-1-361(A)	No Certificate of Occupancy
25-5-1	No Site Plan
25-2-893(B)(7)	RV, unscreened
25-2-492	Setback Violation (see Notes)
25-10-102	Sign - Prohibited
25-10-103	Sign in Right Of Way
10-5-21	Unsanitary Conditions
25-11-32	Work Without Permit
25-2-491	Zoning Base District, Prohibited Uses (see Notes)
Other	Prohibited Use

*Obtain a Certificate of occupancy within 15 days*

[Signature]  
Signature

11/15/10  
Date

This is a WARNING ONLY. There is no fine or penalty for this ticket.  
Este es un ADVERTENCIA SÓLO. No hay fino o pena con este boleto.  
Si tiene preguntas o requiera más información, por favor llame al inspector.

11/16/2010 10:22am







# Walnut Creek Neighborhood Association, Inc.

(WCNA)  
P. O. Box 82746  
Austin, TX 78708-2746

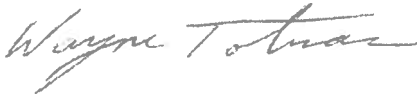
Subject: Zoning issue C14-2011-0111 (Naser Rezoning)

Ms. Baker,

The subject zoning issue is scheduled for Zoning & Platting Commission hearing on Tuesday, October 4. The Walnut Creek Neighborhood consents with the recommendation of Staff. We understand this change will allow an increase in vehicle trips per day to comply with the conditions of the Traffic Impact Analysis with regard to the LR businesses the applicant intends have on the property. No other changes to the zoning were implied or will be agreed upon by the neighborhood for this zoning change.

Considering this is a consent issue (and it falls on our Neighborhood Night Out) we do not plan to have representation at this meeting. We request a postponement if addendums are made by the applicant at the meeting.

Thank you,



Wayne Tobias  
Walnut Creek Neighborhood Association President  
512-426-0201

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

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: C14-2011-0111**

**Contact: Sherri Sirvaitis, (512) 974-3057**

**Public Hearing: Oct 4, 2011, Zoning and Platting Commission  
Nov 3, 2011, City Council**

Jeremy Reynolds  
*Your Name (please print)*

☐ I am in favor  
☒ I object

11900 Oakbrook Dr 78753

*Your address(es) affected by this application*

9-28-11

*Date*

*Signature*

832 372 1723  
*Daytime Telephone:*

*Comments:*

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

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