

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0013

Z.A.P. DATE: March 20, 2012

ADDRESS: 11602 Jollyville Road

OWNER/APPLICANT: George Kissinger **AGENT:** Permit Partners (David Cancialosi)

ZONING FROM: LO **TO:** LR **AREA:** 0.58 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is grant LR, Neighborhood Commercial District, zoning.

ZONING AND PLATTING COMMISSION:

3/20/12: Approved LR zoning by consent (7-0); P. Seeger-1st, C. Banks-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with an office structure that contains a Personal Services use (Go Go Cleaners), a Personal Improvement Services use (Practical Fitness) and a vacant office space. This tract of land is located near the intersection of Jollyville Road and Duval Road, two arterial roadways. The applicant is requesting a rezoning because they would like to redevelop this site with commercial uses.

The staff recommends LR zoning for this property because the subject tract meets the intent of the 'LR' district as it will allow for uses that serve neighborhood needs and that are compatible and complementary in scale and appearance with the residential environment to the south, east and west. The proposed Neighborhood Commercial zoning will provide services to the surrounding multifamily uses.

The Jollyville Road Area Study originally called for a 200-foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). However, the policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned for office and multi-family uses. Therefore, the staff believes the applicant's request to add a small portion of LR zoning on the western side of Jollyville Road to allow for low intensity office and commercial uses is appropriate for the area.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Personal Services (Go Go Cleaners), Personal Improvement Services (Practical Fitness), Vacant Office (Formerly Bauer Printing), Telecommunications Tower
<i>North</i>	LO-CO, LO, LO-CO	Vacant Medical Office (Former Hand Surgery & Orthopedic Associates of Austin), Undeveloped Lot, Office (Sunrise Mortgage)
<i>South</i>	MF-2-CO	Multifamily Residential (Ladera Vista)
<i>East</i>	MF-2-CO	Multifamily Residential (Ladera Vista)
<i>West</i>	MF-2-CO	Multifamily Residential (Ladera Vista)

AREA STUDY: U.S. 183/Jollyville Road Area Study

(The U.S. 183 Study was approved by the City Council in November of 1978. The Area Study recommended that a 120-foot deep strip of land along Jollyville Road be zoned "O" Office zoning (which was converted to LO, Limited Office, in 1985) and that a 200 foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned office and multi-family, with the majority of office zoning being LO zoning. The recommendation for a 120-foot strip of LO zoning along the eastern portion of Jollyville Road was incorporated into the Jollyville Road Study, which was adopted in 1984).

TIA: Not required**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District
 Austin Heritage Tree Foundation
 Austin Monorail Project
 Bull Creek Foundation
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 Long Canyon Homeowners Association
 North Oaks Neighborhood Association
 Sel Texas
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0148 (Beaver Brook Children Center: 11726 Jollyville Road)	SF-2, LO to LO	10/02/07: Approved staff's recommendation for LO-CO zoning, with a 2,000 vtpdl, adding a 35' height limit (6-0, C. Hammond, B. Baker-absent); J. Shieh-1 st , K. Jackson-2 nd .	11/08/07: Approved LO-CO zoning (7-0); all 3 readings
C14-2007-0123 (11701 Jollyville Road)	SF-2 to GR-MU * The applicant amended their rezoning request to LR-MU-CO. The applicant offered a conditional overlay to prohibit Food Sales, Off-Site Accessory Parking, Restaurant (Limited), Restaurant (General), and Service Station uses on the site.	10/02/07: Approved staff's recommendation for LO-MU-CO zoning, , with a 2,000 vtpdl (6-0, B. Baker, C. Hammond-absent); K. Jackson-1 st , T. Rabago-2 nd .	11/08/07: Approved ZAP recommendation of LO-MU-CO zoning (6-1, J. Kim-No); 1 st reading 11/29/07: Approved LO-MU-CO zoning by consent (5-0, J. Kim, M. Martinez-off dais); 2 nd /3 rd readings.
C14-2007-0082 (11603 Jollyville Road)	LO, LR to GR-MU	7/17/07: Approved staff's recommendation of GR-MU-CO zoning, with a 2,000 vtpdl, adding prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0), J. Martinez-1 st , S. Hale-2 nd .	8/23/07: Approved GR-MU-CO zoning on all 3 readings (7-0); L. Leffingwell-1 st , M. Martinez-2 nd .
C14-2007-0081 (11625 Jollyville Road)	LR-CO to Tract 1: LO, Tract 2: GR-MU	7/17/07: Approved staff's recommendation of LO-CO zoning for Tract 1 and GR-MU-CO zoning for Tract 2, with a 2,000 vtpdl, adding prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0), J. Martinez-1 st , S. Hale-2 nd .	8/23/07: Approved LO-CO for Tract 1 and GR-MU-CO for Tract 2 (7-0); all 3 readings
C14-06-0172 (Arboretum Retirement Community:	LO to Tract 1(1.570 acres); GR-MU (for 866 to 896 ft	10/17/06: Approved GR-MU-CO zoning on Tract 1 for an area 866 to 896 ft above sea level and MF-6-CO zoning for an area 896 to 926 ft	1/25/07: Approved GR-MU-CO for Tract 1 and LO-CO for Tract 2 (6-0); all 3 readings

11601 Jollyville Road)	above sea level) and MF-6 (for 896 to 986 ft above sea level) Tract 2 (0.424 acres): LO-MU (an area 120 ft in depth on the site from the property line along Jollyville Road)	above sea level; with conditions of a 60-foot height limit and 2,000 vehicle trip limit and approved LO-MU-CO zoning on Tract 2; with conditions of 2,000 vehicle trip limit, limit site to 'LO' district uses and residential accessory uses (prohibiting dwelling units). Vote: 9-0; K. Jackson-1 st , J. Martinez-2 nd . 1/09/07: Approved staff rec. of GR-MU-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with a 2,000 vehicle trip limit per tract (6-0, B. Baker, S. Hale, J. Martinez-absent); J. Pinnelli-1 st , C. Hammond-2 nd .	
C14-06-0013 (Pavilion Condominiums: 11819 Pavilion Boulevard)	GR, SF-2 to MF-6* *On 4/27/06, the agent requested to amend the case to allow for a 65 foot strip of SF-3 zoning along the southeast property line.	5/02/06: Motion to approve MF-6-CO zoning, with a 60 foot height limit, and SF-3 zoning for an area 65 feet from the southeastern property line (5-3, B. Baker, M. Hawthorne, C. Hammond-No, J. Martinez-absent); K. Jackson-1 st , B. Baker-2 nd . Motion made to rescind and reconsider previous action (8-0, J. Martinez-absent); K. Jackson-1 st , B. Baker-2 nd . Motion to deny the applicant's request for MF-6 zoning (6-2, J. Gohil, S. Hale-No, J. Martinez-absent); K. Jackson-1 st , J. Pinnelli-2 nd .	6/22/06: Case withdrawn by applicant
C14-02-0088 (Ghodsí Tract: 11820 Jollyville Road)	LO to LR-CO	6/18/02: Approved staff's recommendation of LR-CO zoning, by consent (8-0, A. Adams-absent)	7/18/02: Approved LR-CO, prohibiting the following uses as offered by the applicant: Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety Services(7-0); all 3 readings
C14-01-0160 (11851 Jollyville Road)	LO to GO	Withdrawn by applicant on 12/14/01	N/A
C14-99-0040	SF-2 to GO	4/06/99: Approved staff rec. of LO (9-0)	5/06/99: Approved PC rec. of LO (6-0); all 3 readings
C14-97-0118	SF-2 to SF-3	10/07/97: Approved staff's rec. of SF-3 (8-0)	11/06/97: Approved PC rec. of SF-3 (7-0); all 3 readings
C14-97-0067	LO, SF-2 to LO	7/22/97: Approved staff rec. of LO by consent (8-0)	8/21/97: Approved LO (5-0); all 3 readings

C14-93-0141	SF-2 to GR	11/16/93: Approved LO and GR-CO: On Tract 2 - General Retail Sales (General and Convenience) uses shall be a max FAR of 13,269 sq. ft.; Restaurant (Drive-in, Fast Food) use shall be a max FAR of 3,163 sq. ft.; Restaurant (General) use shall be a max FAR of 9,735 sq. ft.; Food Sales use shall be a max FAR of 11,259 sq. ft.; Financial Services use shall be a max FAR of 11,500 sq. ft.	12/02/93: Approved LO and GR-CO (7-0); all 3 readings
C14-93-0070	LO to LI-PDA	7/20/93: Approved LI-PDA (9-0)	8/05/93: Approved LI-PDA (6-0); 1 st reading 12/16/93: Approved LI-PDA 6-0); 2 nd /3 rd readings
C14-92-0133	SF-2, SF-3, SF-6, LO, GO to MF-2	5/23/93: Approved MF-2 w/ conditions (6-0): limit density to 224 dwelling units; no structure shall be constructed within 50 feet of SF-2 zoning, any structure beyond the 50 foot setback, within 400 feet of Ladera Vista Drive shall not exceed 32 feet in height; allow only emergency access to Taylor Draper Lane; maintain a 50 foot vegetative buffer along Taylor Draper Lane; construct a six foot high privacy fence along Taylor Draper Lane; no structures within 220 feet of Taylor Draper Lane, any structure within 80 feet of the 220 foot setback shall not be 32 feet or higher within said 80 foot strip of land; construct a six foot high privacy fence along the property abutting single-family zoned lots.	6/03/93: Approved MF-2-CO (6-0); 1 st reading 6/10/93: Approved MF-2-CO (5-0); 2 nd /3 rd readings
C14-92-0051	SF-2 to MF-2	8/27/92: Approved MF-2-CO: limit density to 17.3 units per acre, driveway access for the property shall be reviewed and approved at the time of site plan be Transportation review.	9/03/92: Approved MF-2-CO on all 3 readings
C14-90-0056	SF-2 to LO	10/09/90: Approved LO (6-0-2, SR/HG-abstain)	10/18/90: Approved LO (6-0); 1 st reading 1/10/91: Approved LO; 2 nd /3 rd readings

C14-90-0050	LO to LI-PDA	9/11/90: Approved staff rec. of LI-PDA (7-0)	9/13/90: Approved LI-PDA (6-0); 1 st reading 4/25/91: Approved LI-PDA on 2 nd /3 rd readings
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RELATED CASES: C14-99-0040

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Jollyville Road	106'	57'	Major Arterial	No	Yes	Priority 2

CITY COUNCIL DATE: April 26, 2012

ACTION:

ORDINANCE READINGS: 1st

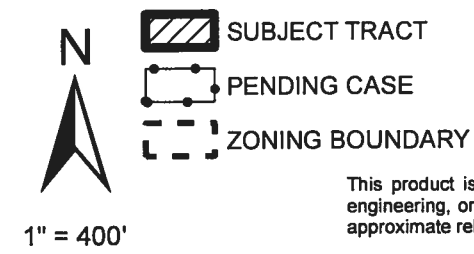
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

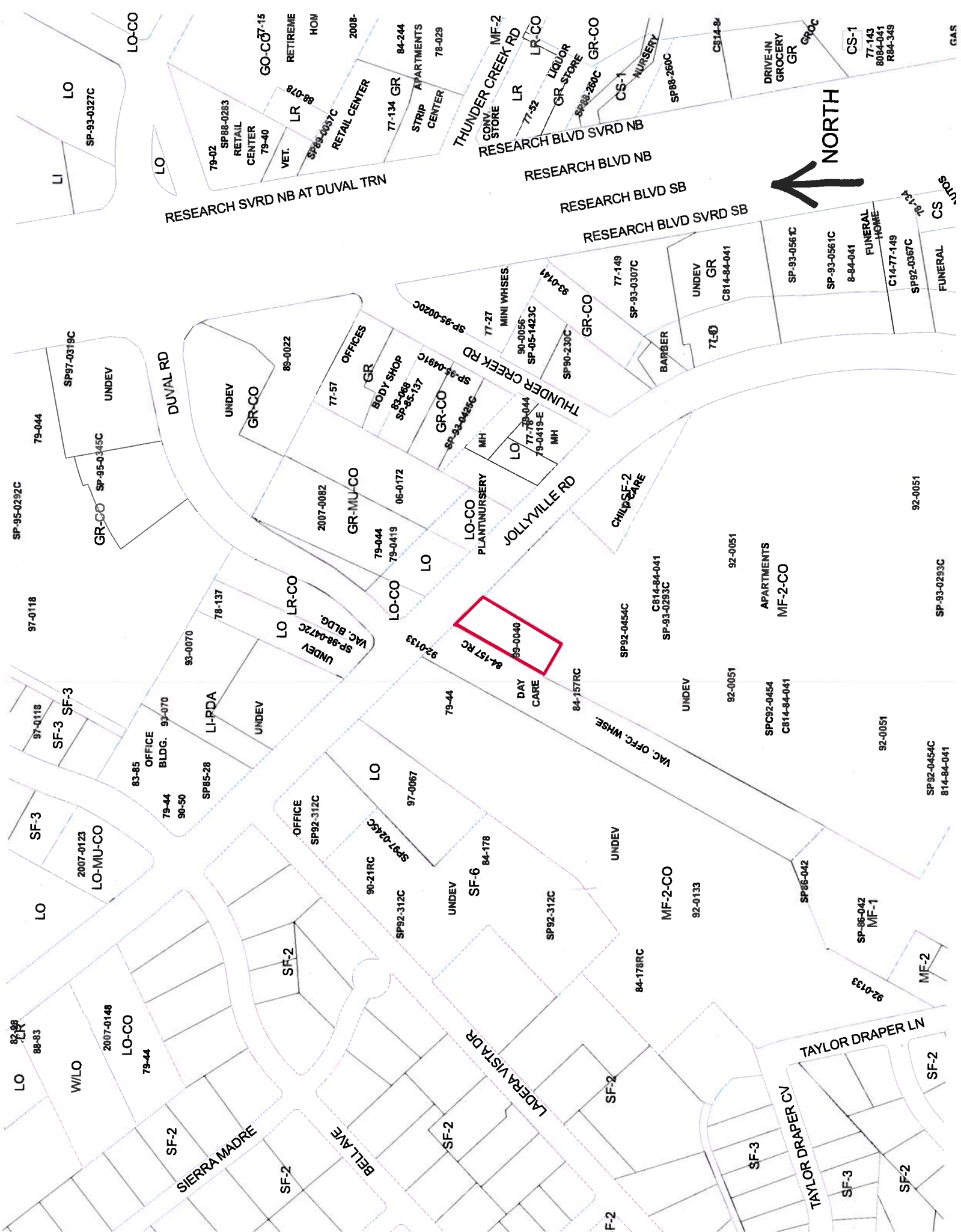
PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



ZONING CASE#: C14-2012-0013



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STAFF RECOMMENDATION

The staff's recommendation is grant LR, Neighborhood Commercial District, zoning.

BASIS FOR RECOMMENDATION

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

The Land Development Code states that, "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."

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

The staff's recommendation for LR zoning will promote consistency and orderly planning because it will allow for uses that serve neighborhood needs and that are compatible with the existing residential uses to the south, east and west.

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

The Neighborhood Commercial zoning district will allow for a fair and reasonable use of the site. The staff believes that low intensity commercial uses such as Food Sales (for a possible convenience store), General Retail Sales-Convenience (for small retail sales) and Service Station might be desirable uses at this location because of the multi-family uses surrounding the site and the frontage of the property on an arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with an office structure. The main suite is currently vacant. However, there is still a small Personal Improvement Services use located in the rear portion of the building. To the north, across Jollyville Road, there is a vacant medical office use (Formerly Hand Surgery & Orthopedic Associates of Austin). The property to the south, east and west is developed with a multi-family use (Ladera Vista Apartments).

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in or within close proximity of the project location.

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.

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 providing structural 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 preexisting approvals which would 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 on this site would be limited by the watershed ordinance.

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>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Site Plan

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.

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

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

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Jollyville Rd	100	MAD 4	Arterial	No	Yes	No

Water and Wastewater

FYI: The property is currently served by City water and sewer service. 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.

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

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: C14-2012-0013

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing: Mar 20, 2012, Zoning and Platting Commission

April 26, 2012, City Council

Roy L. Jax

Your Name (please print)

11624 Jollyville Rd #624, Austin, TX 78759

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: *(512) 769-1888*

Comments: *THIS LOCATION IS PEACEFUL, QUIET WITH*

RELATIVELY LIGHT TRAFFIC. MAKING IT

COMMERCIAL WOULD DESTROY MUCH OF THAT.

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