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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2012-0023 (601 W. Applegate Drive)

**P.C. DATE:** June 12, 2012

**ADDRESS:** 601 W. Applegate Drive

**OWNER/APPLICANT:** Howard K. Landrum

**ZONING FROM:** LO-MU-CO-NP    **TO:** GR-MU-NP    **AREA:** 0.7755

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to deny GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining District, zoning.

If the applicant's request for GR-MU-NP district zoning is granted by the Planning Commission and City Council, then the Transportation staff recommends that development on the site be limited through a conditional overlay to less than 300 vehicle trips per day above the existing trip generation.

### **PLANNING COMMISSION RECOMMENDATION:**

### **DEPARTMENT COMMENTS:**

The property in question is currently being utilized for an automotive repair business. The site contains numerous vehicles in varying states of disrepair that are screened by a solid metal fence. The land under consideration was annexed by the City of Austin in case C7a-76-007, through Ordinance No. 760617. This tract was included in the Mockingbird Hill Area Study completed in October of 1985. The area study recommended single-family zoning for this site.

In zoning case C14-85-378, the previous owner, North Lamar Property Partnership (Dorothy Shelton, Trustee), requested CS, General Commercial Services District, zoning for this property. The staff recommended SF-2, Single-Family –Standard Lot District, zoning consistent with the Mockingbird Lane Area Study. On April 24, 1986, the City Council granted LR, Neighborhood Commercial District, zoning for Tract 6 (601-607 West Applegate Drive) subject to the vacation of Motheral Lane, a six foot privacy fence around the property east of Motheral, no curb cuts onto Applegate Drive, and a 30 foot height restriction on 1<sup>st</sup> reading. Tract 6 remained pending and never received 2<sup>nd</sup>/3<sup>rd</sup> readings at City Council. The property was permanently zoned SF-2 in 1986 through Ordinance No. 860206-K.

On September 19, 2005, the applicant requested a rezoning of this tract of land to GR, Community Commercial District, zoning to bring the existing automotive uses on the site into compliance because the property was cited/ red tagged by the City of Austin Code Enforcement Division for zoning violations. During zoning case C14-05-0163, the applicant amended his rezoning request to CR, Community Recreation District, zoning and stated that he proposed to develop a recreational vehicle and boat storage use (Recreational Equipment Maintenance and Storage) on the site. The staff recommended SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay District, zoning for the property because the SF-6 district was consistent with recommendations for single-family land use for this tract of land in the Mockingbird Hill Area Study and would allow for a transition in uses to the east within the residential neighborhood. On April 20, 2006, the City Council granted CR-CO zoning for this site with numerous conditions (please see Case Histories below).

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In 2010, the North Lamar Combined Neighborhood Plan was devised for this area of the City. The neighborhood plan recommended Office/Mixed Use on the future land use map for the property in question. On June 24, 2010, the City Council approved the North Lamar Combined Neighborhood Plan along with LO-MU-CO-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District, zoning for this tract of land.

The staff recommends denial of the applicant's request in this case and supports maintaining the current LO-MU-CO-NP combining district zoning for this property. LO-MU-CO-NP zoning is consistent with the Office/Mixed use land use designation on the adopted in on the Future Land Use Map for this portion of the North Lamar Combined Neighborhood Planning Area (Please see North Lamar Neighborhood Planning Area FLUM – Attachment A). The approved LO-MU-CO-NP zoning provides for a transition in the intensity of development from the existing commercial uses along North Lamar Boulevard to the single-family uses to the east and from the low density single-family uses to the north to the multifamily uses to the south. The site under consideration is surrounded by residential uses to the north, south, and east.

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

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO-MU-CO-NP	Auto Repair/ Vehicle Storage
<i>North</i>	SF-3-NP, SF-2-NP	Single-Family Residences
<i>South</i>	MF-2-NP	Multi-family (Sterling Village Apartments)
<i>East</i>	SF-2-NP	Single-Family Residences
<i>West</i>	CS-V-CO-NP	Construction Sales and Services (Dealer's Choice Upholstery), Automotive Sales (Auto Credit Financing), Automotive Repair (Rix Auto Body), General Retail Sales (Island Audio)

**AREA STUDY:** Mocking Bird Hill Area Study  
North Lamar Neighborhood Plan

**TIA:** Waived

**WATERSHED:** Little Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Independent School District  
Austin Monorail Project  
Austin Neighborhoods Council  
Austin Northwest Association  
NACA Neighborhood Plan Contact Team  
Home Builders Association of Greater Austin  
Homeless Neighborhood Association  
League of Bicycling Voters  
Mockingbird Hill Neighborhood Association  
North Austin Civic Association  
North Austin Civic Association Neighborhood Plan-COA

North Creek & Georgian Acres Neighborhood Association  
 North Growth Corridor Alliance  
 North Lamar Combined Neighborhood Plan  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.

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**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0048 (North Lamar NP Rezoning)	CR-CO to LO-MU-CO- NP	5/11/10: Approved the staff's recommendation for LO-MU-CO-NP zoning, with condition to remove Art Gallery, Art Workshop, and Counseling Services as prohibited uses, for Tract 20 (ABS 29 SUR 38 Applegate J ACR .17, Lot 1 Block K Mockingbird Hill Section 1 Subdivision, Lot 2 Block K Mockingbird Hill Section 1 Subdivision, and 601 West Applegate Drive); Vote: (8-0, J. Reddy-absent); C. Small-1 <sup>st</sup> , M. Dealey-2 <sup>nd</sup> .	6/24/10: Approved the North Lamar Combined Neighborhood Plan, except for tract 32 (postponed to July 29, 2010), and tracts 134 and 135B, on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.  Approved the North Lamar Neighborhood Plan Combining District (NP) was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
C14-05-0163 (Landrum-4: 601 W. Applegate Drive)	SF-2 to GR* *The applicant amended their rezoning request to CR zoning on November 14, 2005	10/18/05: Postponed to November 1, 2005 by the staff (9-0); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .  11/01/05: Postponed to November 15, 2005 by the applicant (9-0); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .  11/15/05: Case continued to January 17, 2006 ZAP Commission meeting (7-0, J. Gohil, J. Martinez – absent); M. Hawthorne-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> ).  1/17/06: Postponed to January 31, 2006 at the applicant's request (9-0); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .  1/31/06: Approved CR-CO zoning with the following conditions: 1) Recreational Equipment Maintenance & Storage as the only permitted CR (Community Recreation) district use; 2) Permit SF-6 (Townhouse & Condominium Residence) district uses; 3) SF-6 (Townhouse & Condominium	3/02/06: Approved CR-CO zoning on 1 <sup>st</sup> reading with the following additional restrictions: 18 foot height limitation, minimum of 6 foot solid fence around all four sides of the property with the additional provision that the fence along Applegate must be 10 feet off the north property line and must have landscaping in front of it, and driveway access would be from Motheral Drive (6-1, Kim-Nay); Alvarez-1 <sup>st</sup> , Wynn-2 <sup>nd</sup> .  4/20/06: Approved CR-CO zoning with conditions by consent (6-0, D. Thomas-off dais); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

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		Residence) district site development standards; 4) Limit access to the driveway previously considered Motheral Drive (vacated Motheral Drive); 5) The applicant will provide a vegetative buffer along Applegate Drive; 6) The site shall be limited to less than 300 vehicle trips per day above the existing trip generation. Vote: (8-0, J. Gohil-absent)	
C14-04-0209	CS-CO, CS to CS-1	3/01/05: Approved staff rec. of CS-1-CO with following conditions: Prohibit Adult Oriented Businesses, Liquor Sales, Cocktail Lounge, Vehicle Storage, Pawn Shop Services, Indoor Entertainment, Exterminating Services, Guidance Services; limit height to a maximum of 40 feet; limit development to 2,000 vtpd (8-0)	3/24/05: Approved CS-1-CO (7-0); all 3 readings
C14-03-0150 (Gilleland Zoning Change: 606 West Grady Drive)	SF-2 to CS* *Amended to 'GR' on 11/5/03	11/4/03: Approved staff's recommendation to deny CS, General Commercial Services District, zoning (9-0)	12/11/03: The motion to deny zoning request was approved (7-0); Slusher-1 <sup>st</sup> , McCracken-2 <sup>nd</sup> . The motion to approve reconsideration of this item was approved (7-0); Slusher-1 <sup>st</sup> ; Thomas-2 <sup>nd</sup> . This item was postponed to January 29, 2004 (7-0); Slusher-1 <sup>st</sup> , Wynn-2 <sup>nd</sup>  1/29/04: Denied request (4-0), Thomas/ Goodman-absent, McCracken-off dias)
C14-01-0116	LO to CS	1/22/02: Approved staff alternate rec. of CS-CO; w/conditions (8-0)	2/28/02: Approved CS-CO w/other conditions (6-0); all 3 readings: 1) Subject to TIA conditions; 2) Prohibiting the following uses: a) Automotive Washing (of any type) b) Commercial Off-Street Parking c) Convenience Storage d) Equipment Sales e) Funeral Services f) Kennels g) Monument Retail Sales h) Outdoor Sports and Recreation i) Residential Treatment j) Local Utility Services k) Service Station l) Campground m) Construction Sales and Services

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			n) Equipment Repair Services o) Exterminating Services p) Hotel-motel q) Laundry Services r) Outdoor Entertainment s) Vehicle Storage t) Community Recreation (public) u) Community Recreation (private) v) Off-site Accessory Parking w) Drop-off Recycling Collection Facility 3) Prohibit Drive-in Service
C14-01-0037	MF-2, SF-3, SF-2 to NO-NP	4/17/01: Approved staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0)	5/24/01: Approved PC rec. on all 3 readings, except Tract 9 (1 <sup>st</sup> reading only); (6-0)  8/9/01: Approved CS-NP for Tract 9 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** NPA-2012-0026.01 (Current Neighborhood Plan Amendment Case)  
C14-2010-0048 (North Lamar Neighborhood Plan Rezoning)  
C14-05-0163 (Previous Zoning Case)  
C14-85-0178 (Mockingbird Hill Area Study Rezoning)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
West Applegate	70'	Varies	Collector

**CITY COUNCIL DATE:** June 28, 2012

**ACTION:**

**ORDINANCE READINGS:** 1st

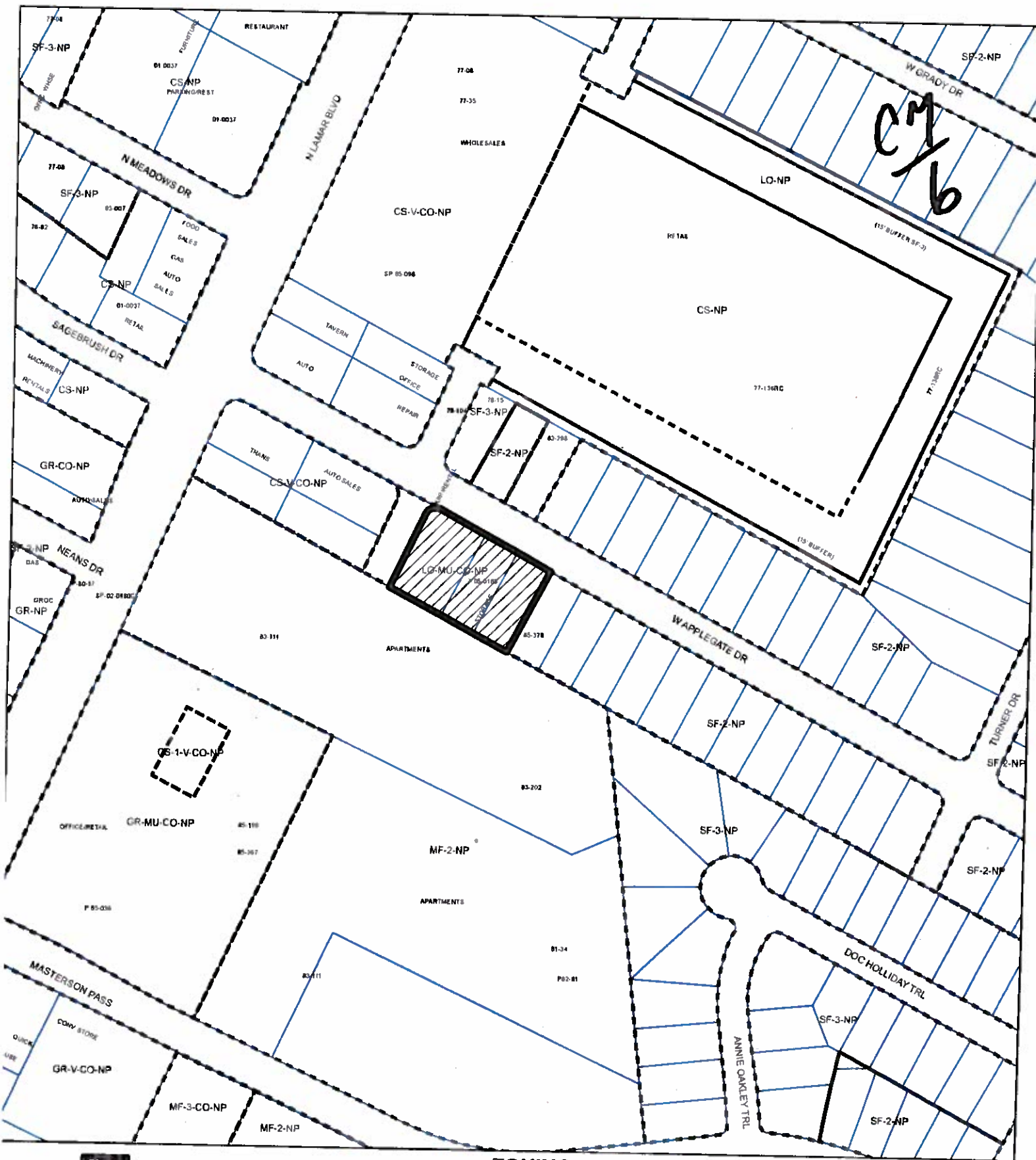
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
sherri.sirwaitis@austintexas.gov



- N**
-  SUBJECT TRACT
  -  PENDING CASE
  -  ZONING BOUNDARY

### ZONING

ZONING CASE#: C14-2012-0023

1"=200'

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's recommendation is to deny GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining District, zoning.

If the applicant's request for GR-MU-NP district zoning is granted by the Planning Commission and City Council, then the Transportation staff recommends that development on the site be limited through a conditional overlay to less than 300 vehicle trips per day above the existing trip generation.

## BASIS FOR RECOMMENDATION

1. *The proposed zoning is not consistent with the purpose statement of the district sought. The existing zoning is appropriate for this location.*

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.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

The staff's recommendation to maintain the existing LO-MU-CO-NP district zoning is consistent with the future Mixed Use/Office land use designation for this tract of land in the North Lamar Neighborhood Plan.

2. *The current zoning promotes consistency and orderly planning.*

The current zoning is appropriate at this location because it provides for a transition in the intensity of uses away from North Lamar Boulevard into the residential neighborhood (Mockingbird Hill Neighborhood) to the east. The North Lamar Neighborhood Plan rezoned this property to LO-MU-CO-NP because this land use category is consistent with the single family residential (SF-3-NP) zoning located to north and east and the multifamily (MF-2-NP) zoning located to the south of this site. Limited Office-Mixed Use district zoning will provide for a transition in the intensity of uses from the existing commercial uses along North Lamar Boulevard to the single-family uses to the east and from the low density single-family uses to the north to the multifamily uses to the south.

The applicant's request for GR, Community Commercial District, zoning does not promote consistency and orderly planning because the site is surrounded by residential uses to the north, south, and east. The proposed GR zoning will be intrusive into an established residential neighborhood.

3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The property in question is not located at or near the intersection of two major roadways. The property takes access to a residential street, Applegate Drive.

C7/10

The staff's recommendation of LO-MU-CO-NP district zoning will allow for more a mixture of low intensity office and/or residential development that will take access to a residential collector roadway.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site contains an automotive repair use with numerous vehicles in varying states of disrepair that are screened by a solid metal fence. There is also a wooden shed type structure with aluminum roof on the property.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 sq. ft. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

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.

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

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

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 is limited by the watershed regulations.

The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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Note: The most restrictive impervious cover limit applies.

### **Site Plan**

The site is subject to compatibility standards. Along the east and north property line, the following standards apply:

- No structure may be built within 25 feet of the adjoining SF-2 property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the adjoining SF-2 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

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 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 required.

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 300 vehicle trips per day over the existing land use and access should be limited to the driveway previously considered Motheral Drive (vacated Motheral Drive). [LDC, 25-6-117].

Applegate Drive is not classified in the Bicycle Plan.

Capital Metro bus service is not available along Applegate Drive.

There are no existing sidewalks along Applegate Drive.

Existing Street Characteristics:

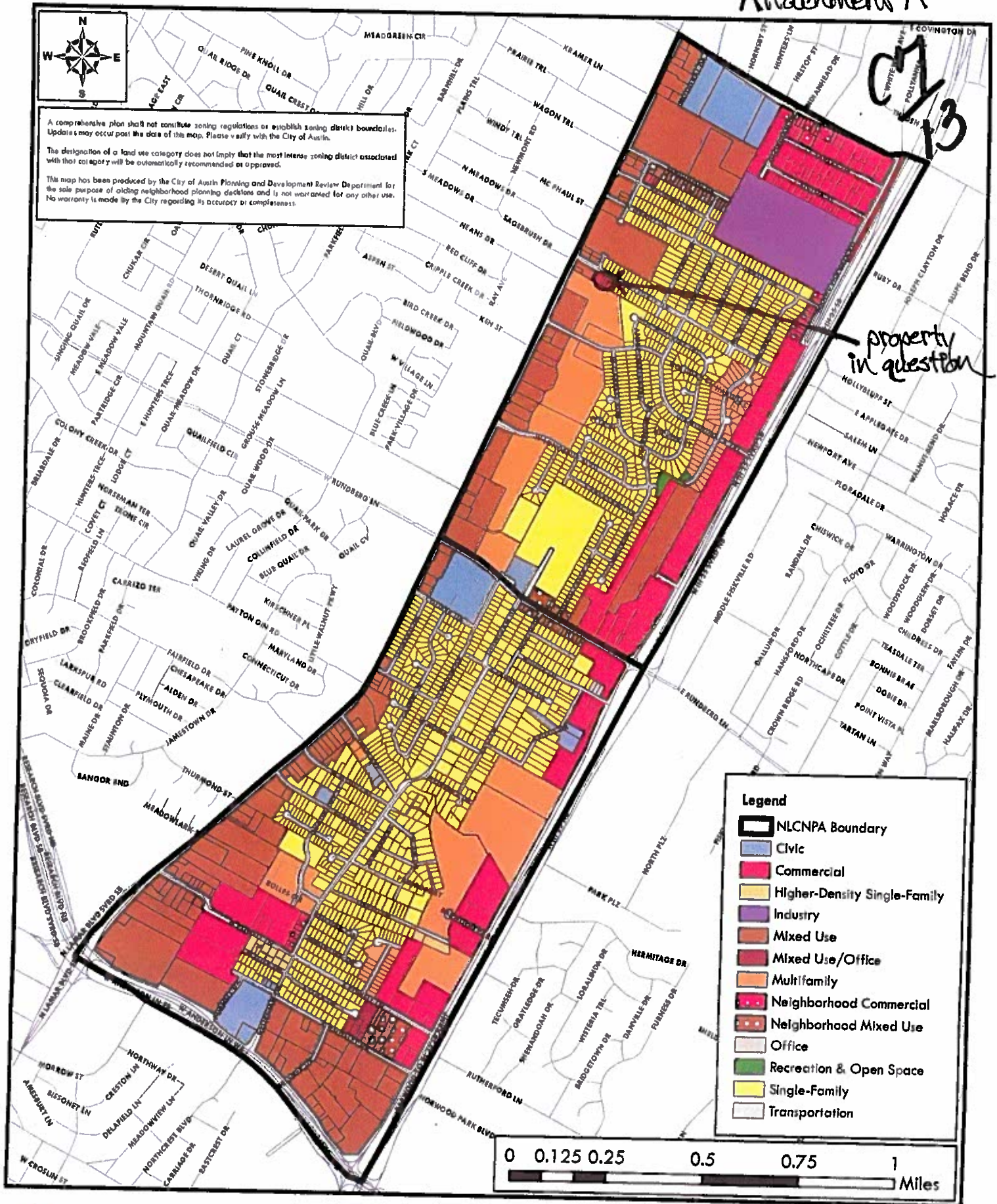
Name	ROW	Pavement	Classification	ADT
Applegate Drive	70'	Varies	Collector	1,950



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**Water and Wastewater**

FYI: 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 utility 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.



# **North Lamar Combined Neighborhood Planning Area** **Future Land Use Map**

Adopted: August 26, 2010

14 April 2012

City of Austin Planning Commission

re: NPA 2012-0026.01 (601 W Applegate)

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Commissioners:

On April 3, 2012 the North Lamar Combined Neighborhood Plan contact team, including the applicant Mr. Landrum, participated in a community meeting facilitated by city staff to discuss his proposed zoning and future land use changes. The contact team voted in a special meeting concluding April 10, 2012. In the interim, contact team members visited the property, discussed the issues with other stakeholders, and reviewed their notes from the neighborhood planning process.

The North Lamar Combined Neighborhood Plan contact team voted unanimously to oppose the proposed zoning and future land use changes. We recommend **retaining the zoning of LO-MU-CO-NP** (Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan) and **retaining the future land use of Mixed Use/Office**.

1. Our neighborhood plan was adopted very recently, in June 2010. There have not been changes in the area around 601 W Applegate in the short time since then.
2. Neighborhood plan Recommendation 119 states that "Non-residential uses should not encroach into the established neighborhoods". This property is surrounded on three sides by residential (SF-2, SF-3, and MF-3). The future land use map designation of Mixed Use/Office was chosen to provide a *transition* from commercial to residential use, rather than an encroachment.
3. Neighborhood plan Recommendation 20, one of the top ten priority action items, is "Encourage greater investment in those properties owned by absentee landlords". The plan talks about the importance of code compliance in achieving a safe healthy neighborhood, recognizing that there may be a short-term cost in exchange for the long-term increase in profitability achieved by an attractive, desirable setting. City services such as the Development Assistance Center and contact team resources such as business contacts can support Mr. Landrum in identifying profitable uses for the property that are permitted under existing regulations.



4. Neighborhood plan Objective L.3 is to "Establish North Lamar Boulevard as a mixed use, pedestrian-friendly corridor", supported by Recommendation 125 to "Incorporate small-scale, neighborhood-serving commercial or retail establishments ...". Neighborhood plan Recommendation 70, the top priority action item in the plan, calls for sidewalks along Applegate.

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The 601 W Applegate property is located ~500 feet from North Lamar, within the commercial corridor. A small-scale, neighborhood-serving LO business at this location will be supported by upcoming improvements in the area:

- The City received a CAMPO grant to improve pedestrian access in this segment of Lamar, with construction planned to start this summer.
- Cap Metro is in process of improving bus stops along Lamar, with construction of Bus Rapid facilities planned to start later this year.
- The 2010 Mobility Bonds funded a design study for thorough Lamar corridor transportation improvements which was completed earlier this year. Funding to begin constructing these improvements is proposed for a November 2012 bond election.

Thank you for your attention.

Sincerely,

Lisa Hinely  
Chair, North Lamar Combined Neighborhood Plan contact team  
836-8452  
chair.nlct@yahoo.com  
<http://nlct.wordpress.com/>

cc: Maureen Meredith  
Sherri Sirwatis  
Kellis Landrum