

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0114 (11712 North Lamar Rezoning) **Z.A.P. DATE:** September 2, 2014  
October 7, 2014  
October 21, 2014

**ADDRESS:** 11712 North Lamar Boulevard

**APPLICANT/OWNER:** Sheahan Business Center (Dennis W. Sheahan)

**AGENT:** Thrower Design (A. Ron Thrower)

**ZONING FROM:** LO                      **TO:** CS                      **AREA:** 3.01 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff's recommendation is for GR-CO, Community Commercial-Conditional Overlay District, zoning for the front/or eastern 450-feet of the property (Tract 1) and LO-CO, Limited Office-Conditional Overlay District, zoning for the remaining 285-310 feet/or western portion of the property aligned with Walnut Creek (Tract 2) – Please see Attachment A. The conditional overlay for Tracts 1 and 2 will limit development on the site to less than 2,000 vehicle trips per day. The CO for Tract 1 will also prohibit the following uses:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Business or trade school	Business support services
Commercial off-street parking	Exterminating services
Financial services	Food sales
Funeral services	General retail sales (general)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Off-site accessory parking
Outdoor sports and recreation	Pawn-shop services
Pet services	Research services
Service station	Theater
Community recreation (private)	Community recreation (public)
Congregate living	College and University facilities
Guidance services	Hospital services (limited)
Private secondary educational facilities	Residential treatment

In addition, drive-in service as an accessory use to restaurant general and limited shall be prohibited.

If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of North Lamar Boulevard through a street deed prior to third reading of the case as City Council in accordance with the Transportation Plan (LDC, Sec. 25-6-51 and 25-6-55).

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

9/02/14: Postponed to October 7, 2014 at the applicant's request (6-0, S. Compton-absent).

10/07/14: Postponed to October 21, 2014 at the neighborhood's request (7-0); G. Rojas-1<sup>st</sup>,  
C. Banks-2<sup>nd</sup>.

10/21/14: Approved staff's recommendation of GR-CO zoning for Tract 1 and LO-CO zoning for Tract 2, adding back General Retail Sales (General) as a permitted use on Tract 1, with ROW dedication condition (5-0, P. Seeger and R. McDaniel-absent); G. Rojas-1<sup>st</sup>, J. Goodman-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a Sheahan Business Center that contains a convenience storage use, an office use and a billboard sign. The property was annexed by the city on November 15, 1984 (case C7a-84-019). The applicant is requesting CS, General Commercial Services District, zoning for the site to bring the existing storage use on the property into conformance with the City of Austin Land Development Code.

The staff recommends GR-CO zoning for the first 450-feet of the property (Tract 1) and LO-CO for the remaining 285-310 feet of the site (Tract 2). The proposed 450-foot depth limit for Tract 1 is consistent with the location of existing commercial buildings on this site. The staff recommends GR-CO zoning for Tract 1 because the proposed zoning will allow for commercial development with frontage on North Lamar Boulevard, a major arterial roadway. The proposed rezoning is consistent with the commercial nature of the area. There is GR-CO, LO-CO, and LO zoning to the north and south of this. Surrounding commercial uses include restaurant and a personal services uses to the north, a consumer repair use to the south, and an automotive repair use to the east, across N. Lamar Boulevard. The staff's recommendation for the conditional overlay on Tract 1 is consistent with the approved zoning in case C14-03-0133, which rezoned a property to the north, and the approved zoning in case C14-05-0066, which rezoned the property to the south of this parcel of land.

The proposed LO-CO zoning for Tract 2 will provide a transition in the intensity of uses to the west adjacent to the Walnut Creek residential neighborhood. In addition, Limited Office zoning on Tract 2 will allow for a greater protection of trees and reduced impervious cover along the Walnut Creek tributary.

The North Lamar Area Study recommends LO, Limited Office District, zoning for the properties in this area. However, the North Lamar Area Study has not been strictly upheld along this section of western side of North Lamar Boulevard, as intensive commercial uses have developed along the frontage of this arterial roadway.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Sheahan Business Center: Convenience Storage/Self Storage, Office/Warehouse (Capitel Communications), Billboard
<i>North</i>	GR-CO, LO-CO	Restaurant (Santorini Café), Personal Services (Food Heaven)
<i>South</i>	GR-CO, LO	Billboard, Consumer Repair Services (Appliance Austin Rebuilders)
<i>East</i>	LO	Automotive Repair (Guicho's Body Shop), Construction Sales and Services (Coburn & Company Commercial Painting and Wall Finishes)
<i>West</i>	SF-2	Single Family Residential Homes

**AREA STUDY:** North Lamar Area Study

**TIA:** Waived

**WATERSHED:** 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 Neighborhoods Council  
Austin Northwest Association  
Bike Austin  
Friends of the Emma Barrientos MACC  
Gracywoods Neighborhood Association  
Homeless Neighborhood Association  
North Park Estates Neighborhood Association  
Pflugerville Independent School District  
River Oaks Lakes Estates Neighborhood  
SELTEXAS  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appealers Organization  
The Real Estate Council of Austin, Inc.  
Walnut Creek Neighborhood Association, Inc.  
Yager Planning Area

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0066 (Trans: 11704- 11706 North Lamar Boulevard)	LO to GR	7/05/05: Approved GR-CO zoning for Tract 1. The conditional overlay for Tract 1 will prohibit the following uses set out by staff: Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Business or trade school, Business support services, Commercial off-street parking, Exterminating services, Financial services, Funeral services, General retail sales (general), Hotel-motel, Indoor entertainment, Indoor sports and recreation, Off-site accessory parking, Outdoor sports and recreation, Pawn-shop services, Pet services, Research services, Service station, Theater, Community recreation (private & public), Congregate living, College and University facilities, Guidance services, Hospital services (limited), Private secondary	8/04/05: Approved ZAP recommendation for GR-CO zoning (7-0); 1 <sup>st</sup> reading only  9/01/05: Approved GR-CO zoning (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

		educational facilities, Residential treatment and to prohibit drive-in service as an accessory use to restaurant general and limited, 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. Vote: (7-1, C. Hammond-Nay; M. Hawthorne-Absent)	
C14-04-0133 (Lamar Zoning: 11800 North Lamar Boulevard)	DR, LO to GR	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 Pet Services (9-0); K. Jackson-1 <sup>st</sup> , J. Martinez-2 <sup>nd</sup> .	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  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
C14-03-0162 (Rufi's Taqueria: 11800 North Lamar Boulevard)	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
C14-00-2152 (11512 North Lamar Boulevard)	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
C14-00-2020 (12003 North Lamar Boulevard)	RR to GO-CO	4/18/00: Denied (6-0)	8/30/00: Withdrawn
C14-99-2055 (12300 North Lamar Boulevard)	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.

**RELATED CASES:** C14-85-149 (North Lamar Area Study)  
C7A-84-019 (Annexation - November 15, 1984)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Lamar Boulevard	100'	60'	Major Arterial	N/A

**CITY COUNCIL DATE:** September 25, 2014

**ACTION:** Postponed to October 16, 2014 at the staff's request by consent (7-0)

October 16, 2014

**ACTION:** Postponed to November 6, 2-14 at the staff's request (7-0); S. Cole-1<sup>st</sup>, L. Morrison-2<sup>nd</sup>.

November 6, 2014

**ACTION:** Postponed to November 20, 2014 at the staff's request (6-0; B. Spelman-absent); L. Morrison-1<sup>st</sup>, M. Martinez-2<sup>nd</sup>.

November 20, 2014

**ACTION:**

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

2<sup>nd</sup>

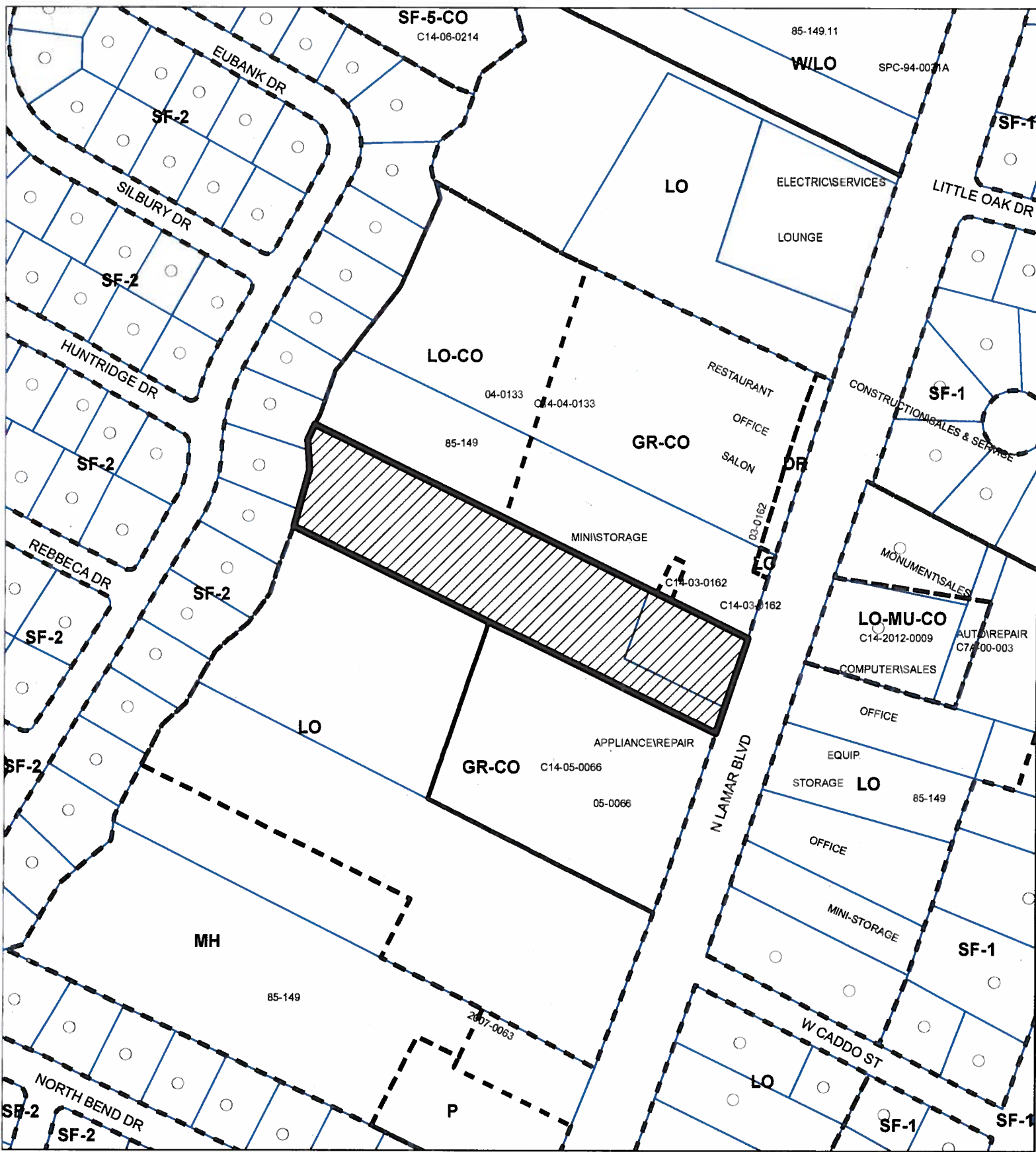
3<sup>rd</sup>




**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 512-974-3057

sherri.sirwaitis@ci.austin.tx.us



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

CASE#: C14-2014-0114

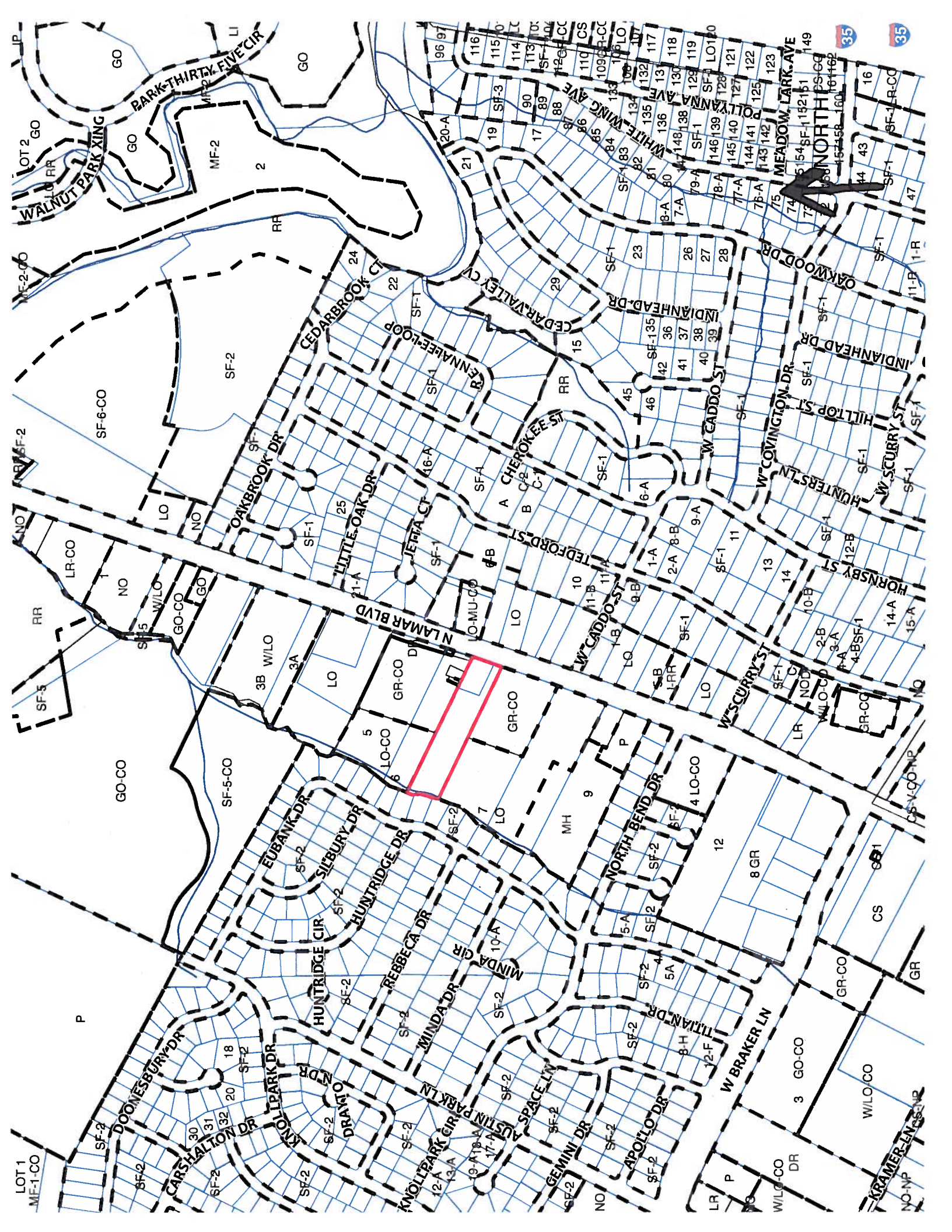
1" = 200'

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.













## STAFF RECOMMENDATION

Staff's recommendation is for GR-CO, Community Commercial-Conditional Overlay District, zoning for the front/or eastern 450-feet of the property (Tract 1) and LO-CO, Limited Office-Conditional Overlay District, zoning for the remaining 285-310 feet/or western portion of the property aligned with Walnut Creek (Tract 2) – Please see Attachment A. The conditional overlay for Tracts 1 and 2 will limit development on the site to less than 2,000 vehicle trips per day. The CO for Tract 1 will also prohibit the following uses:

Automotive rentals	Automotive repair services
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Private secondary educational facilities	Residential treatment

In addition, drive-in service as an accessory use to restaurant general and limited shall be prohibited.

If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of North Lamar Boulevard through a street deed prior to third reading of the case as City Council in accordance with the Transportation Plan (LDC, Sec. 25-6-51 and 25-6-55).

## BASIS FOR RECOMMENDATION

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

The Community Commercial (GR) zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The 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.

The staff's recommendation meets the purpose statement for the GR and LO zoning districts as set forth in the Land Development Code. The property in question is fronts onto a major arterial roadway and will provide for services for surrounding neighborhood and community needs.

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

The proposed rezoning is consistent with the commercial nature of the area. There is GR-CO, LO-CO, and LO zoning to the north and south of this site. Surrounding commercial uses include

restaurant and a personal services uses to the north, a consumer repair use to the south, and an automotive repair use to the east, across N. Lamar Boulevard.

The proposed LO-CO zoning for Tract 2 will provide a transition in the intensity of uses to the west adjacent to the Walnut Creek residential neighborhood. Limited Office zoning will also allow for a greater protection of trees and reduced impervious cover along the Walnut Creek tributary.

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 subject tract is located on and takes access to North Lamar Boulevard, a major arterial roadway and an Activity Corridor as designated on the Growth Concept Map.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently occupied with a convenience storage use, an office use and a billboard sign.

### **Comprehensive Planning**

LO to CS

This zoning case is located on the west side of N. Lamar Blvd. The property is approximately 3 acres in size and contains a commercial storage facility, which is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes a café/lounge to the north, a small commercial building to the south, single family houses to the west, and an auto body shop to the east. The proposed use is commercial.

### **Imagine Austin**

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an **Activity Corridor** (North Lamar). **Activity Corridors** are designated for additional people and jobs above what currently exists on the ground. Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

The following Imagine Austin policies are relevant to this case.

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.



- **N P1.** Create **complete neighborhoods** across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon this property being: (1) situated along a **Activity Corridor** as designated on the Growth Concept Map; (2) located along the heavily travelled N. Lamar Boulevard, which contains a variety of commercial, warehouse and retail uses; and (3) the Imagine Austin policies referenced above that supports a variety of development, including commercial uses in this area of the city, staff believes that this projected is supported by Imagine Austin.

### **Environmental**

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

According to floodplain maps, there is no floodplain within or adjacent to the project location. However, COA GIS shows a Critical Water Quality Zone located along the western portion of the property. Construction in the CWQZ is limited per LDC 25-8-261 and 262.

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the CS 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:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

### **Site Plan**

Any new development on this site will be subject to *Subchapter E: Design Standards and Mixed Use*. Additional comments will be provided upon submittal of a site development permit application.

This site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure may be built within 25 feet of the 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.

Additional design regulations will be enforced at the time a site plan is submitted.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for N. Lamar Boulevard. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of N. Lamar Boulevard in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: N. Lamar Blvd serves route no. 43 with an existing Shared Lane and recommended Wide Shoulder.

Capital Metro bus service (route nos. 1L and 101) is available along N. Lamar Boulevard.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
N. Lamar Blvd.	112'	65'	Arterial	No	Yes	Yes

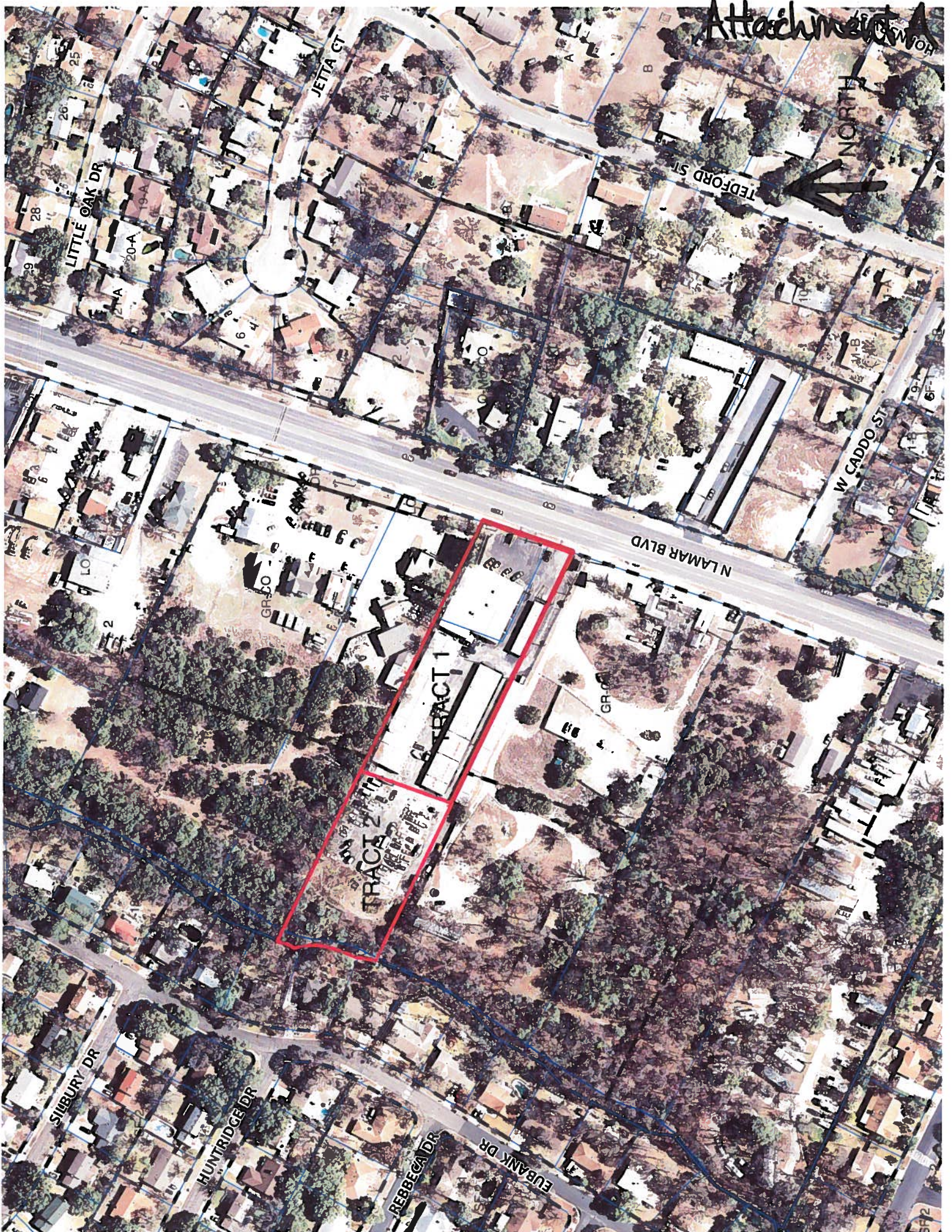


### **Water and Wastewater**

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. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.



Attachment A





## 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:  
<http://www.austintexas.gov/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: C14-2014-0114

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 2, 2014, Zoning and Planning Commission

Sep 25, 2014, City Council

HOWARD C. TANNER

Your Name (please print)

901 REGGIE DRIVE

Your address(es) affected by this application

Howard C. Tanner

Signature

8/10/14

Date

Daytime Telephone: 512 836-1228

Comments:

be preserved

The existing "L" zoning should be in the western 1/2 of tract to better industrial activities away from the homesites on Reggie Drive

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

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**Case Number: C14-2014-0114**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Sep 2, 2014, Zoning and Planning Commission**

**Sep 25, 2014, City Council**

*Ellis & Redwood (owner) Southwest Architects (tenants)*

*Your Name (please print) Ross Redwood*

*1804 North Lamar Blvd.*

*Your address(es) affected by this application*

*Ross Redwood*

*Signature*

*8/11/14*

*Date*

Daytime Telephone: *(512) 836-0667*

Comments: *We welcome re-development.*

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

## Thrower Design

510 S. Congress Avenue, Ste. 207  
Mail: P. O. Box 41957  
Austin, Texas 78704  
(512) 476-4456

Ms. Sherri Sirwatis  
Planning & Development Review Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: C14-2014-0114  
11712 North Lamar Rezoning

Dear Ms. Sirwatis,

We have received and disseminated the staff report for the above referenced project. There are several items that need to be brought to your attention which we believe are important to the overall project timeline which warrants further consideration.

This property was developed in 1983 and 1985 and has generally remained as is currently used and developed today. The property was annexed into the City of Austin in November of 1984. The North Lamar Area Study was performed in May 1985 and recommended "LO" zoning for the properties along North Lamar.

As mentioned above, the use of the property has generally remained the same since the beginning of development and prior to annexation. Physically, the buildings are multi-tenant buildings and outdoor storage areas. We find that the uses on the property at the time of the North Lamar Area Study range from Convenience Storage to Auto Repair to General Retail Sales to Construction Sales and Services.

While the "LO" that was placed on the property in no way authorized the continuation of those uses, we believe that is in error. Current State Law specifically requires municipalities to recognize and perpetuate the existing land uses at the time of annexation. That has not been performed in this case. The same should apply in this current rezoning request in that we are attempting to have the existing uses on the property to be recognized as legal and perpetuated with appropriate zoning district designation on the property.

The outdoor storage component tied to construction sales and services use requires "CS" zoning and is not permitted in "LO" zoning. Our application for the entire property to be rezoned to a zoning district that permitted the legal continuation of those long established



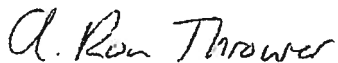
uses is important to any buyer or financial institution that would be lending monies to purchase the property.

The City staff report referred to the zoning trends of the area with "GR" zoning to a certain depth and "LO" beyond to the creek to act as a buffer to the single-family homes on the other side of the creek. Aerial photographs from 1984 find that the abutting properties to the north and south did not have development to a depth remotely equal to the development on the subject property. Their requests for "GR" rezoning were submitted prior to the redevelopment of their lands and were limited to a depth of 400'. This should not be an equal representation for an across the board zoning depth especially with the established uses at depths on property at the time of annexation as is found on my clients property. For reference, the depth of the development on the subject property is approximately 665'.

Further, the buffer to the single family development is environmentally built-in to any zoning district. The creek not only has flood plain but also has Critical Water Quality Zone that would prohibit any development thereby creating a perpetual natural and vegetative buffer far in excess to any compatibility standards set forth in the code.

For all the above reasons, we believe the property should be granted "CS" zoning in accordance with State Law provisions and the established land uses that have existed on the property for 3 decades.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower

## Sirwaitis, Sherri

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**From:** Ron Thrower <ront@throwerdesign.com>  
**Sent:** Tuesday, October 21, 2014 4:22 PM  
**To:** Sirwaitis, Sherri  
**Cc:** robertl@meadows.com  
**Subject:** 11712 N. Lamar  
**Attachments:** C14-2014-0114 - 11712 N. Lamar, Sheahan Business Center

Sherri,

To let you know, I have had discussions with Mr. Meadows, copied herein, regarding the rezoning. Mr. Meadows will be in attendance tonight and he believes the neighborhood can find support for the request to CS zoning with some conditions. Attached is the email sent to Mr. Meadows to begin the conversations. While the neighborhood has not voted on this matter, I'd prefer to move the case forward tonight as it appears that the only issues that remain are between City Staff and my client. I'm confident that we can gain the support of the Neighborhood Association and in doing so, we will likely have a longer list of Prohibited Uses. The following is a start for those prohibitions as allowed by the "CS" zoning district that we offer for consideration tonight:

- 1) Agriculture Sales and Service
- 2) Automotive Rentals
- 3) Automotive Repair Services
- 4) Automotive Sales
- 5) Business or Trade School
- 6) Campground
- 7) Equipment Sales
- 8) Financial Services
- 9) Alternative Financial Services
- 10) Hotel-Motel
- 11) Kennels
- 12) Outdoor Sports and Recreation
- 13) Pawn Shop Services
- 14) Pet Services
- 15) Service Station
- 16) Theater
- 17) Community Recreation (Private and Public)
- 18) Congregate Living
- 19) College and University facilities
- 20) Guidance Services
- 21) Hospital Services (limited)
- 22) Private Secondary Education Facilities
- 23) Residential Treatment
- 24) Sexually Oriented Businesses
- 25) Whatever use definition fits to prohibit blood plasma centers.

Drive-in as Accessory use to Restaurant (general and limited) will also be prohibited.

Also we will agree to limit the depth of the "CS" zoning to a depth of approximately the limits of the existing development (approximately 630') and then "LO" zoning on the backside to the creek (approximately 100').

**Ron Thrower**