

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0041 (Trial's Rezoning)

Z.A.P. DATE: May 19, 2015
June 2, 2015

ADDRESS: 13805 Orchid Lane

DISTRICT AREA: 7

OWNER/APPLICANT: Jon and Linda Trial

ZONING FROM: GR

TO: CS

AREA: 0.421 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant CS-CO, General Commercial Services- Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

5/19/15: Meeting cancelled due to posting error.

6/02/15: Approved staff's recommendation of CS-CO zoning on consent (6-0); G. Rojas-1st, S. Compton-2nd.

DEPARTMENT COMMENTS:

The property in question consists of a vacant lot. The applicant is requesting to rezone the property to add a mixed use overlay because they would like to develop a Construction Sales and Services use on the site. The staff is recommending CS-CO zoning at this location because the property is located within an area that contains a mixture of residential and commercial uses. The lots to the north of this site are zoned for GR, Community Commercial District, and to the south and east are zoned with CS, General Commercial Services District, uses. Many of these properties are developed with residences, commercial businesses, and/or a combination of these live/work uses. The site under consideration meets the purpose statement and size requirements for the CS zoning district. The proposed zoning would allow the applicant to redevelop this tract of land with office and commercial uses that will be consistent and compatible with the surrounding land uses in this area of the City.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Vacant
<i>North</i>	GR	Automotive Repair (Dave's Ultimate Automotive), Construction Sales and Services (Austin Lanehart Electric), Office (The Tez Realty Group, Farmer's Insurance)
<i>South</i>	CS	Undeveloped
<i>East</i>	CS	Undeveloped
<i>West</i>	LI	Concrete Batch Plant

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 Northwest Association
North Growth Corridor Alliance
SELTEXAS
Sierra Club, Austin Regional Group
The Real Estate Council of Austin, Inc.
Wells Branch Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0156 (2609 and 2701 Daisy Drive)	CS to CS-MU	11/02/10: Approved the staff's recommendation of CS-MU-CO zoning, with CO to limit the site to 2,000 vehicle trips per day, on consent (7-0); S. Baldrige, G. Bourgeois-2 nd .	12/09/10: Approved CS-MU-CO zoning on consent on all 3 readings (7-0); Spelman-1 st , Martinez-2 nd .
C14-2007-0109 (2600 Gardenia Drive)	CS to CS-MU	8/21/07: Approved staff's recommendation of CS-MU-CO zoning with added condition to prohibit drive-in service by consent (7-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	9/27/07: Approved CS-MU-CO zoning by consent (5-0, B. Dunkerley-absent, J. Kim- off the dais)
C14-05-0035 (3101 – 3105 West Howard Lane)	GO to GR	4/19/05: Approved staff's recommendation of GR-CO by consent (7-0, C. Hammond, K. Jackson-absent); J. Martinez-1 st , M. Hawthorne-2 nd .	3/19/05: Approved GR-CO (6-0; Thomas- off dias); 1 st reading 6/09/05: Approved GR-CO by consent(6-0, McCracken-off dias); 2 nd /3 rd readings
C14-03-0188 (13201-13205 Burnet Road)	GO to GR	4/3/04: Approved staff's recommendation of GR zoning, by consent (9-0)	3/4/04: Granted GR zoning (6-0, McCracken-absent); all 3 readings
C14-03-0181 (2401 West Howard Lane)	GR to CS-1	2/3/04: Approved staff recommendation of CS-1-CO zoning, with a 2,000 vehicle trip limit per day (9-0)	3/4/04: Granted CS-1-CO (6-0, McCracken-absent); all 3 readings
C14-00-2205	GR to LI	12/5/00: Approved staff rec. of CS-CO (as amended by applicant) by consent (8-0); conditions as follows: 1) Height limit of 40 feet 2) Prohibit Adult Oriented	1/18/01: Approved CS-CO w/conditions; (6-0); all 3 readings

		Businesses 3) 2,000 vehicle trip per day limit	
C14-00-2112	IP to MF-3	9/19/00: Approved staff alt. rec. of MF-3-CO by consent (9-0)	10/26/00: Approved MF-3-CO on 1 st reading (7-0) 12/7/00: Approved MF-3-CO (7-0); 2 nd /3 rd readings
C14-00-2179	IP to SF-2, SF-3, MF-1	10/17/00: Approved staff rec. of SF-2 (TR1), SF-3 (TR 2), and MF-1 (TR3) by consent (8-0)	11/30/00: Approved SF-2-CO (TR1), SF-3-CO (TR2); MF-1-CO (TR3) w/condition of 2,000 vehicle trip per day limit (7-0); all 3 readings
C14-97-0094	CS to CS-MU	8/26/97: Approved CS-MU (9-0)	9/4/97: Approved CS-MU (5-0); all 3 readings
C14-93-0068	R&D, LR to SF-6, MF-1	8/31/93: Approved SF-6-CO, MF-1, and RR (7-0)	10/7/93: Approved SF-6-CO, MF-1, and RR; 1 st reading 12/16/93: Approved SF-6-CO, MF-1, and RR (6-0); 2 nd /3 rd readings
C14-92-0108	IP to MF-3	11/24/92:	12/3/92: Approved MF-3 (6-0-1, RR-abstain); 1 st reading 4/7/94: Approved MF-3-CO (5-0-1, RR-abstain); 2 nd reading 4/21/94: Approved MF-3-CO (5-0-1, RR-abstain); 3 rd reading

RELATED CASES: C14-85-149 (North Lamar Area Study)

ABUTTING STREETS:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
Orchid Lane	50'	25'	Local	N/A
Daisy Drive	50'	Varies	Local	N/A

CITY COUNCIL DATE: June 11, 2015

ACTION:

ORDINANCE READINGS: 1st

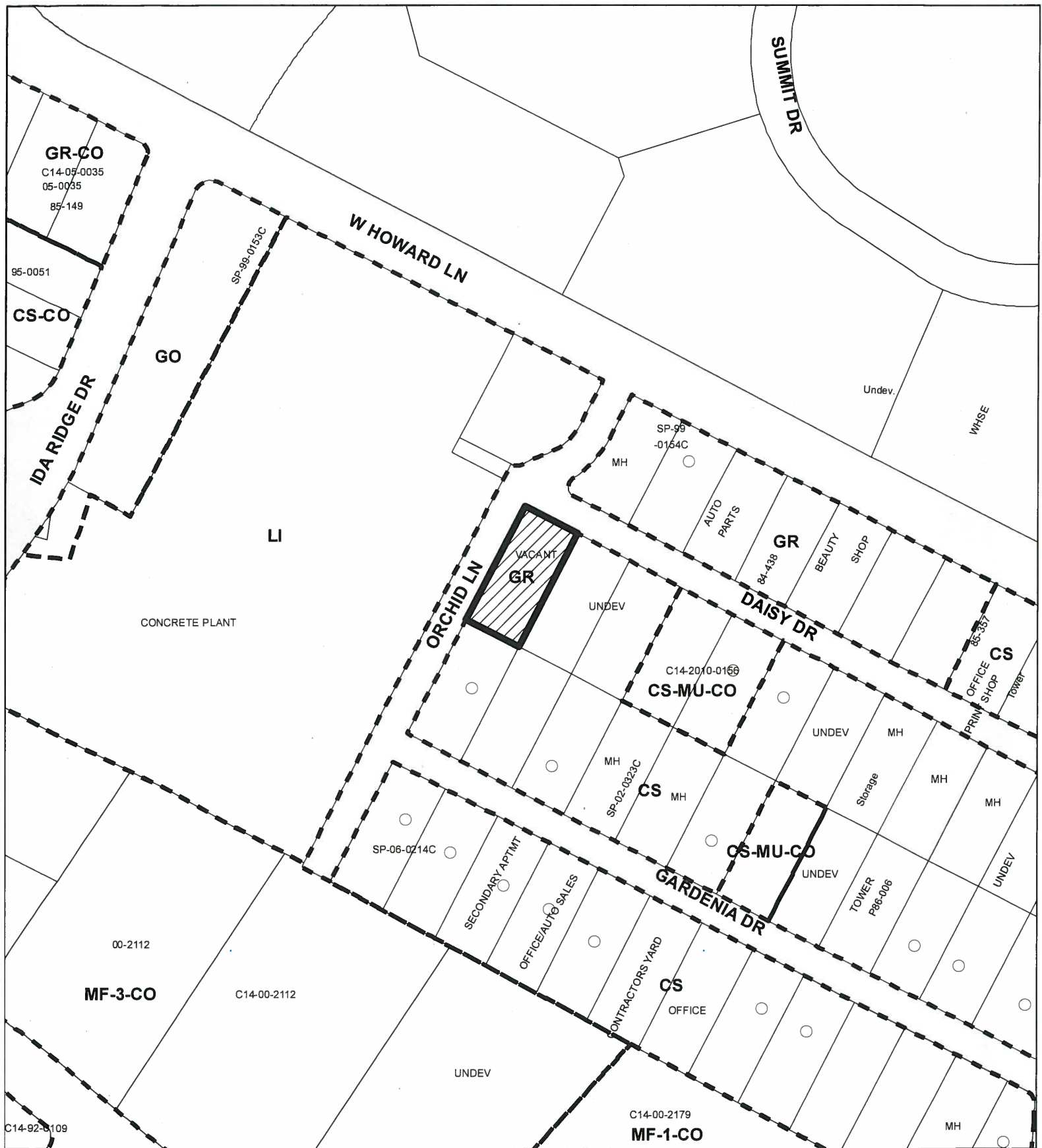
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

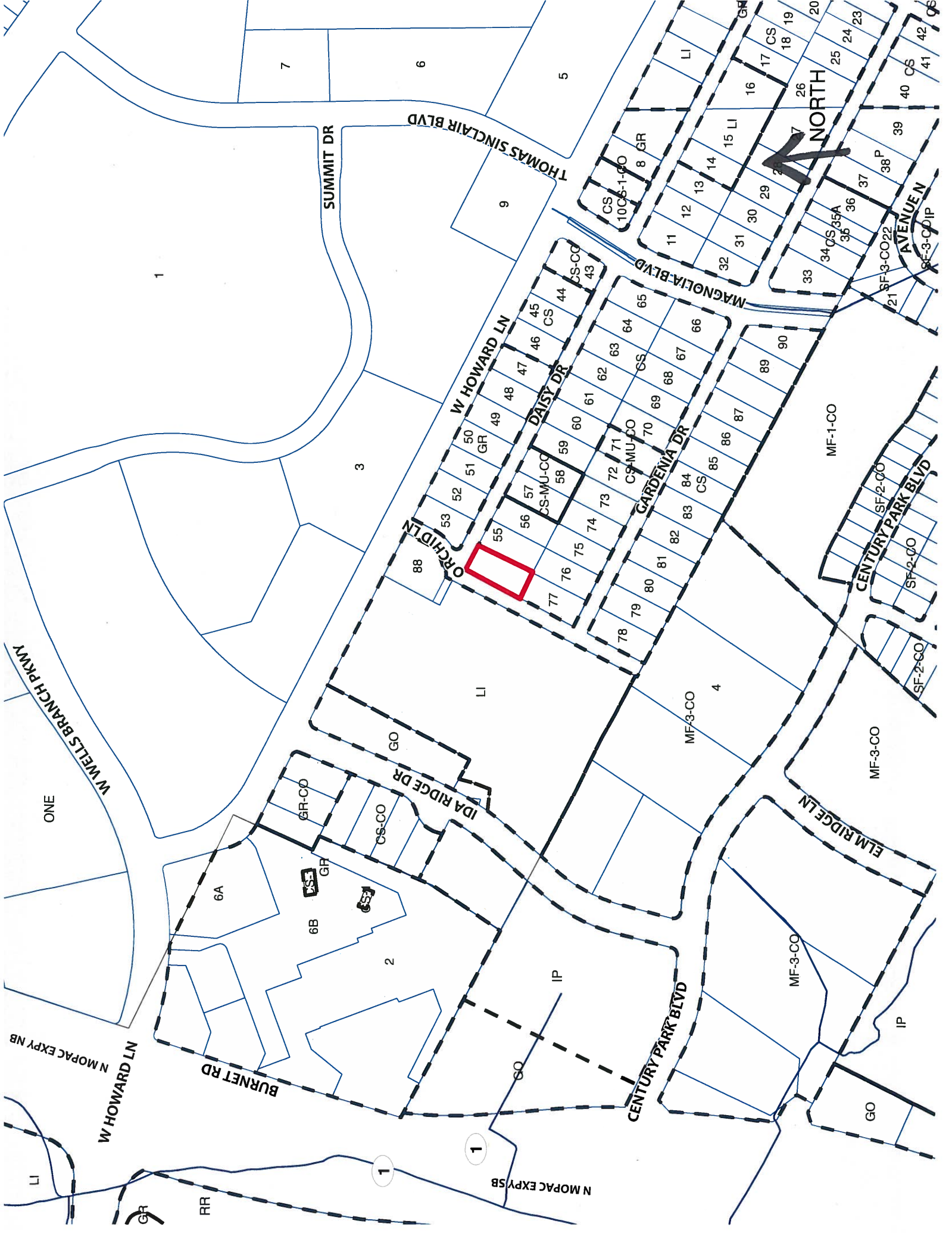
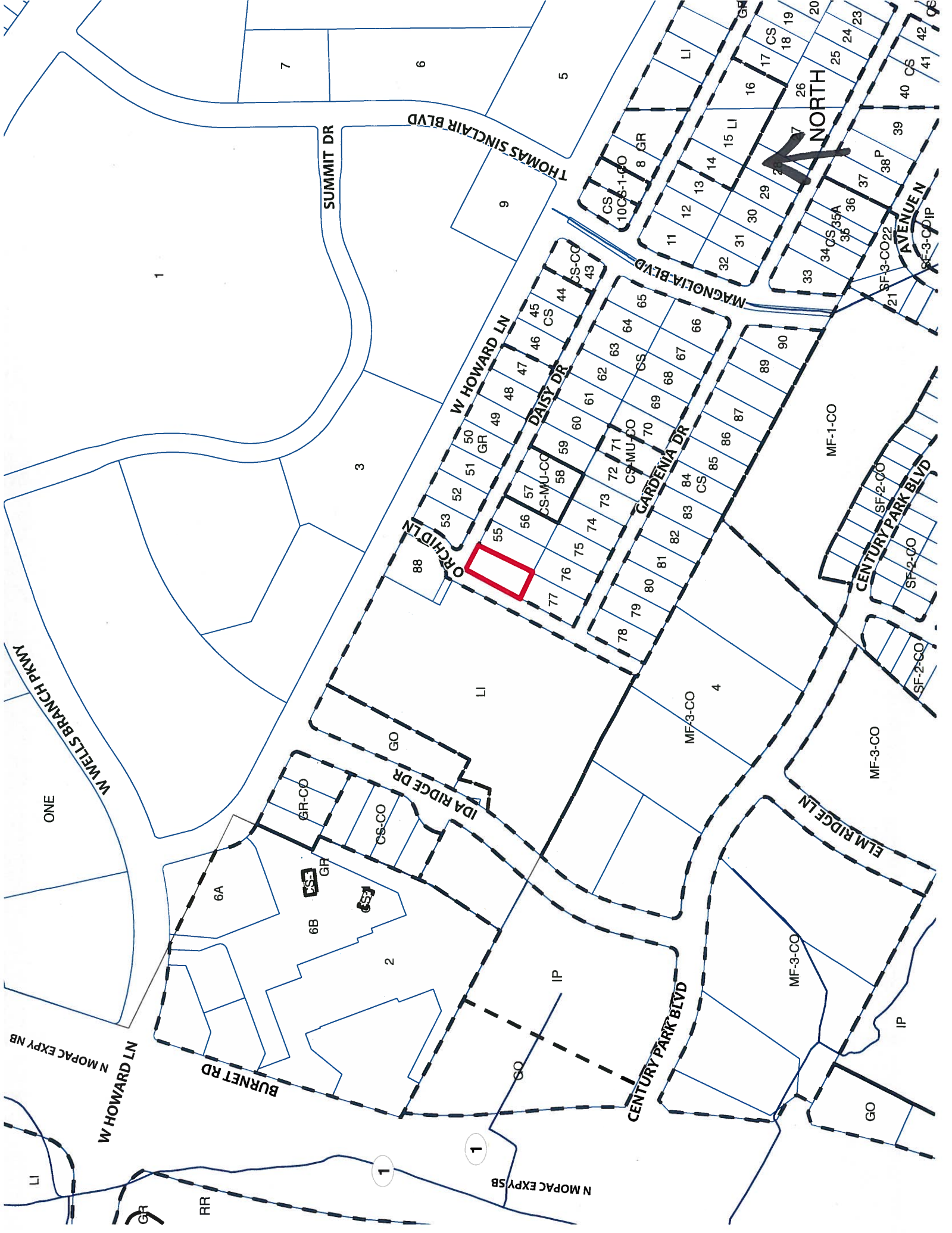
CASE#: C14-2015-0041

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.



1" = 200'





STAFF RECOMMENDATION

The staff recommendation is to grant CS-CO, General Commercial Services- Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The property in question is located in an area that primarily consists of commercial uses. This site meets the purpose statement and size requirements for the CS zoning district.

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

The proposed zoning will promote consistency and orderly planning because the property is located within an area that contains a mixture of residential and commercial uses. The lots surrounding this site to the north, south, east, and west are zoned for GR and CS district uses. Many of these properties are developed with residences, commercial businesses, and/or a combination of these live/work uses.

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

The CS-CO zoning district would allow for a fair and reasonable use of the site because the property in question meets the minimum lot requirements for the requested zoning designation and because the proposed district will allow the applicant to develop uses on the site that are consistent with the surrounding land uses. The CS-CO zoning is appropriate for this location because it will be compatible with the office and commercial land uses.

EXISTING CONDITIONS

Site Characteristics

The site consists of a vacant lot. The property was previously developed with a restaurant use (Dot's) that burned down. The properties to the north front West Howard Lane and are developed with automotive repair, construction sales and services, and office uses. The lots to the south contain outdoor storage and manufactured homes. The tract of land to the west contains a concrete batch plant. The property to the east is currently undeveloped.

Comprehensive Planning

GR to CS

This zoning case is located on the southeast corner of Orchard Lane and Daisy Drive, on a vacant piece of property that is approximately .42 acres in size. The property is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes an auto

repair shop to the north, vacant land to the south, a palette distributor to the east, and a cement factory and vacant piece of land the west. The proposed use is construction sales and services.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies Howard Lane, located 230 ft. north of this property as an Activity Corridor. Activity 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. More specifically, the uses located along this portion of Howard Lane contain a variety of uses, including commercial, industrial, industrial/warehouse.

Based upon the comparative small scale of the site relative to other much larger commercial and industrial uses in the area, and the property being located near an Activity Corridor, this project falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning. However, due to the site's location in an environmentally sensitive area (the Edward Aquifer), there will be at the site planning stage an environmental review to determine if any critical environmental features are located on the site. If any are located, mitigation and setbacks necessitated by the land development code will be required.

Environmental

The site is 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.

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 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

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.

There is a Single Family residence (zoned CS) approximately 185 feet from the southeast corner of the Site on Gardenia Drive. Some compatibility standards may apply.

Stormwater Detention

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

Transportation

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

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

Orchid Lane and Daisy Drive are not classified in the Bicycle Plan.

Capital Metro bus service is not available along Orchid Lane and Daisy Drive.

There are no existing sidewalks along Orchid Lane and Daisy Drive.

The Public Works Dept. may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
Orchid Lane	50'	25'	Local	N/A
Daisy Drive	50'	Varies	Local	N/A

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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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:

<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: C14-2015-0041

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 19, 2015, Zoning and Platting Commission

June 11, 2015, City Council

GONZALO GONZALES

Your Name (please print)

2609 GARDENIA, AUSTIN, TX 78727

Your address(es) affected by this application

5/7/15

Date

Signature

Daytime Telephone: (512) 771-0758

Comments:

NONE -

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

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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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.

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Case Number: C14-2015-0041

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 19, 2015, Zoning and Platting Commission

June 11, 2015, City Council

Guadalupe T. Nunez

Your Name (please print)

2608 GARBERIA DRIVE

Your address(es) affected by this application

Guadalupe T. Nunez

Signature

5/18/15

Date

Daytime Telephone: (512) 968-6803

Comments: I object rezoning of property
my main concern is traffic impact.
Garberia Drive to on rd 10 LN. is our
main in and out route. There are
numerous properties that have filled
up with trailers, towing, truck yards
and scraping and various storage for trucks
and equipment, that planning needs to address
on Garberia mostly and around the subdivision.

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

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Item # CC

3-18-15

We are being impacted by all the charges, some I don't know if they were even approved for such business of storage as we never received any notices for these storage and equipment and trucks, junk yards just moving in? Towing company, Trucks, fallers etc. always loading, unloading on are streets blocking free passage to our homes. Having to wait for them to clear street that should not be used for loading or unloading of equipment. This is an everyday activity of these business or so called businesses that impact our daily commute. Also the parking on these streets needs to be addressed by the planning board. I am afraid for our kids that like to play and sometimes ride or walk bikes, wait for the school bus etc., I am also concern about if we even have an emergency and these activities that go on, on a daily basis were blocking our streets and delays in receiving medical help or Ambulance etc., would most definitely hinder medical assistant getting to us on time. Please review all activity on our street and evaluate the additional impact that this proposed site will have on our neighborhood and daily lives, which we too should have the right to enjoy our neighborhood and streets like any other community.

Case# C14-2015-0041

Sincerely,

Guadalupe T. Nunez
2608 Grendia Drive
Austin, TX 78727