

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0056 – Wickersham Retail
Center

DISTRICT: 3

ZONING FROM: GR-MU-CO

TO: GR-MU-CO, to change a condition
of use

ADDRESS: 4544 E. Oltorf Street

SITE AREA: 1.96 acres

PROPERTY OWNER:
Wickersham Enterprises, LLC (Abdul Patel)

AGENT:
Land Answers, Inc. (Jim Wittliff)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends Community Commercial – Mixed Use – Conditional Overlay (GR-MU-CO) combining district zoning. *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 28, 2020

Scheduled for Planning Commission

July 14, 2020

Approved the EROC Contact Team request for postponement to July 28, 2020 on the consent agenda. [A. Azhar; J. Shieh – 2nd]. Vote 13-0.

CITY COUNCIL ACTION:

August 27, 2020

Planned to be Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

On July 19, 2020 staff received an email that the EROC Contact Team voted to oppose the rezoning of this property.

Staff has received communication both in favor of and in opposition to this rezoning case, please see *Exhibit C: Correspondence Received*.

CASE MANAGER COMMENTS:

This property is approximately 1.96 acres and is currently undeveloped. It is north of the intersection of E. Oltorf Street and Wickersham Lane and is surrounded on all sides with a base zoning of MF-2. In 2013 this property was rezoned from MF-2 to GR-MU-CO. The conditional overlay on the property prohibited a list of land uses and limited the density of the property to 36 residential units per acre, see *Exhibit D: Ordinance No. 20130214-066*. The applicant is requesting to rezone to GR-MU-CO to remove Part 2 (A) of the existing ordinance to allow for drive-in service as an accessory use to commercial uses. The current ordinance prohibits the following uses which will be carried over if the rezoning request is granted:

Automotive repair services	Indoor sports and recreation
Automotive sales	Off-site accessory parking
Commercial off-street parking	Outdoor entertainment
Community recreation (public)	Pawn shop services
Congregate living	Private primary educational services
Drop-off recycling collection facility	Private secondary educational services
Exterminating services	Residential treatment
Hospital services-general	Service station
Hotel-motel	Theater

BASIS OF RECOMMENDATION:

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

Staff recommends rezoning this property to allow for drive-in service use as an accessory use. The City Code defines the GR district as: intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways. The Austin Strategic Mobility Plan (ASMP) classifies both E. Oltorf Street and Wickersham Lane as Level 3 streets. This property is adjacent to both of these streets. Rezoning this property as requested would be consistent with the City's purpose statement of the base zoning district.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	GR-MU-CO	Undeveloped
North	MF-2-NP and MF-2	Residential
South	MF-2-NP	Residential
East	MF-2-NP	Residential
West	MF-2	Residential

NEIGHBORHOOD PLANNING AREA: East Riverside/Oltorf Combined NP Area; Pleasant Valley NP Area (Ordinance No. 20061116-058).

TIA: the TIA will be deferred until site plan submittal.

WATERSHED: Country Club West Watershed (suburban)

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards, Selected Sign Ordinances

SCHOOLS: Baty Elementary, Ojeda Middle and Del Valle High Schools

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Pleasant Valley

Sierra Club, Austin Regional Group

Sunridge Homeowners Assn.

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2012-0111 East Riverside Corridor Regulating Plan	To rezone various parcels to East Riverside Corridor (ERC) zoning district.	Approved ERC Zoning staff recommended.	Approved ERC zoning with conditions. (5/9/13)

RELATED CASES:

C14-2012-0114: This property was rezoned from MF-2 to GR-MU-CO (Ordinance No. 20130214-066) in 2013. This rezoning case prohibited the following:

- Drive-in service use is prohibited as an accessory use to commercial uses;
- Development of the Property may not exceed 36 residential units per acre; and
- A list of prohibited uses on the Property.

C14-05-0113: This property is within the boundaries of the Pleasant Valley NPCD (Ordinance No. 20061116-058/ NPA Ordinance No. 20061116-055). It was omitted on the FLUM.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Wickersham Lane	75'	42'	Level 3	Yes	None	Yes
Oltorf Street	105'	48'	Level 3	Yes	Bike Lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located north of the intersection of E. Oltorf Street and Wickersham Lane, on a 1.96-acre lot, which is undeveloped. The property is located within the East Riverside Oltorf Combined Neighborhood Planning Area and between the Riverside Station Town Station, McKinney Job Center and St. Edward Neighborhood Center. Surrounding land uses include multi-story apartment complexes to the north, south and east and an apartment and condominium complexes to the west. The requested rezoning change asks for the removal of drive-in service as an accessory use to commercial uses within the current ordinance.

Connectivity

Public sidewalks, bike lanes and public crosswalks are located on both streets at this intersection. A Cap Metro transit stop is located directly in front of this property. While the mobility options in this area are good, goods and services are lacking in the area.

East Riverside Oltorf Combined Neighborhood Planning Area

The EROC Neighborhood Plan Future Land Use Map (FLUM) has designated a number of parcels located along East Oltorf Street as ‘Withdrawn from Future Consideration,’ and have not assigned these properties a FLUM classification, including this property. The following text, goals, and design guidelines are applicable to this case:

Planning Principles Develop by the Advisory Committee (p 26)

The Advisory Committee has prepared a set of planning principles and guidelines to be used by the Committee when evaluating development proposals. During their decision - making process, these principles and guidelines will be considered first, followed by the other recommendations listed in the plan. The Advisory Committee believes that the following planning principles and guidelines be applied to all proposed development and redevelopment within the East Riverside/Oltorf Combined Neighborhood Planning Area.

- “First, do no harm”, i.e. no rezoning for rezoning’s sake. A zoning change affects the property owner, adjacent properties and property owners, and the City. Any change in zoning should be able to demonstrate the benefits of the change to the community
- Preserve single - family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non- compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer.
- Address the problems of current density before creating opportunities for additional growth and increased density.

Goal 2: Improve the appearance, vitality and safety of existing commercial corridors and community amenities and encourage quality urban design and form that ensure adequate transition between commercial properties and adjacent residential neighborhoods. (p 31)

Mixed Use (pgs. 70 to 71)

The application of mixed use reflects the desire to see certain parts of the area develop or redevelop with projects that are pedestrian friendly, offer convenient neighborhood services, promote human - scale activity on the street, provide community open space and improve the appearance of particular retail corridors. Two major concerns regarding mixed use have been voiced continually throughout the planning process:

1. Because of the overwhelming proportion of multifamily in this NPA, uses such as office and retail, and condominiums and townhouses are all preferred to any multifamily uses; and
2. Mixed use is supported only when it is a true mix of uses.

The EROC Neighborhood Plan appears to support this mixed-use project because neighborhood serving uses are lacking in an area dominated by residential housing with few retail or commercial options.

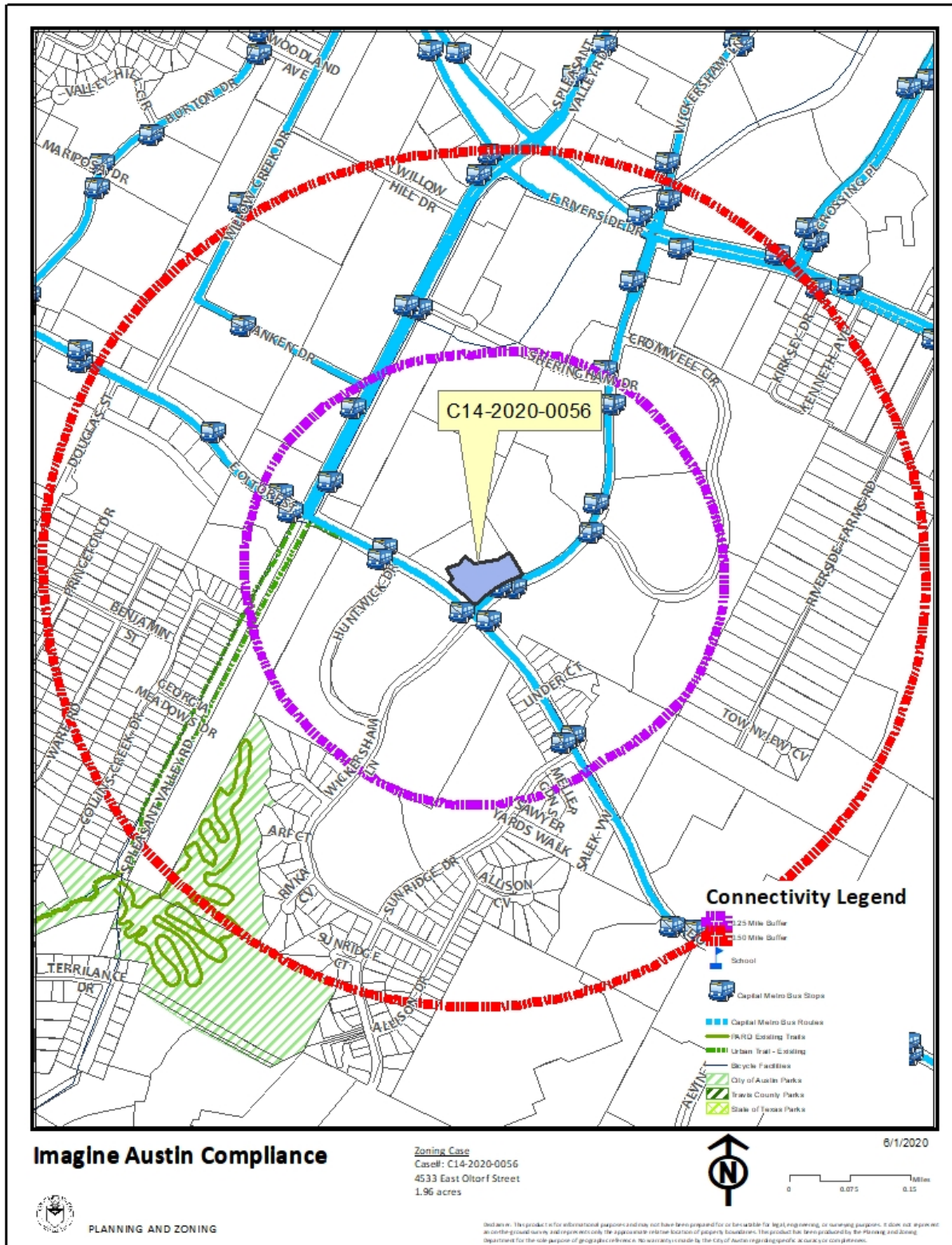
Imagine Austin

The property is located between the Riverside Station Town Station (0.25 miles away), the McKinney Job Center (.48 miles away) and the St. Edward Neighborhood Center (1.3 miles way). Like many Imagine Austin Centers, they are represented by a circles or globular shapes that reflects the general location where the center should be located in the future. The center’s actual boundaries would need to be clarified through a small area planning process. All Regional, Town, and Neighborhood centers are supposed to be walkable, bikeable and supported by transit.

The following Imagine Austin policies are also applicable to this case.

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- 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.
- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based upon the mobility strengths in this area, the large amount of multi-family housing that lacks walkable services in this area, this project appears to support the policies of the Imagine Austin Comprehensive Plan.



Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club West Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.
2. 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%

3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirement

Site Plan

Any new development is subject to Subchapter E: Design Standards and Mixed Use. Additional comments will be made when a site plan is submitted.

Transportation

1. At the time of submittal of any site plan on the Property, a traffic impact analysis ("TIA") is required if the proposed development or uses on the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds 2,000 trips per day.
2. The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 92' of right-of-way for Wickersham Ln and 120' feet of right-of-way for Oltorf St. It is recommended that 46 feet of right-of-way from the existing centerline should be dedicated for Wickersham and 60'

feet of right-of-way from the existing centerline should be dedicated for at the time of site plan or subdivision application. [LDC 25-6-51 and 25-6-55].

Austin Water Utility

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 Austin Water 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.

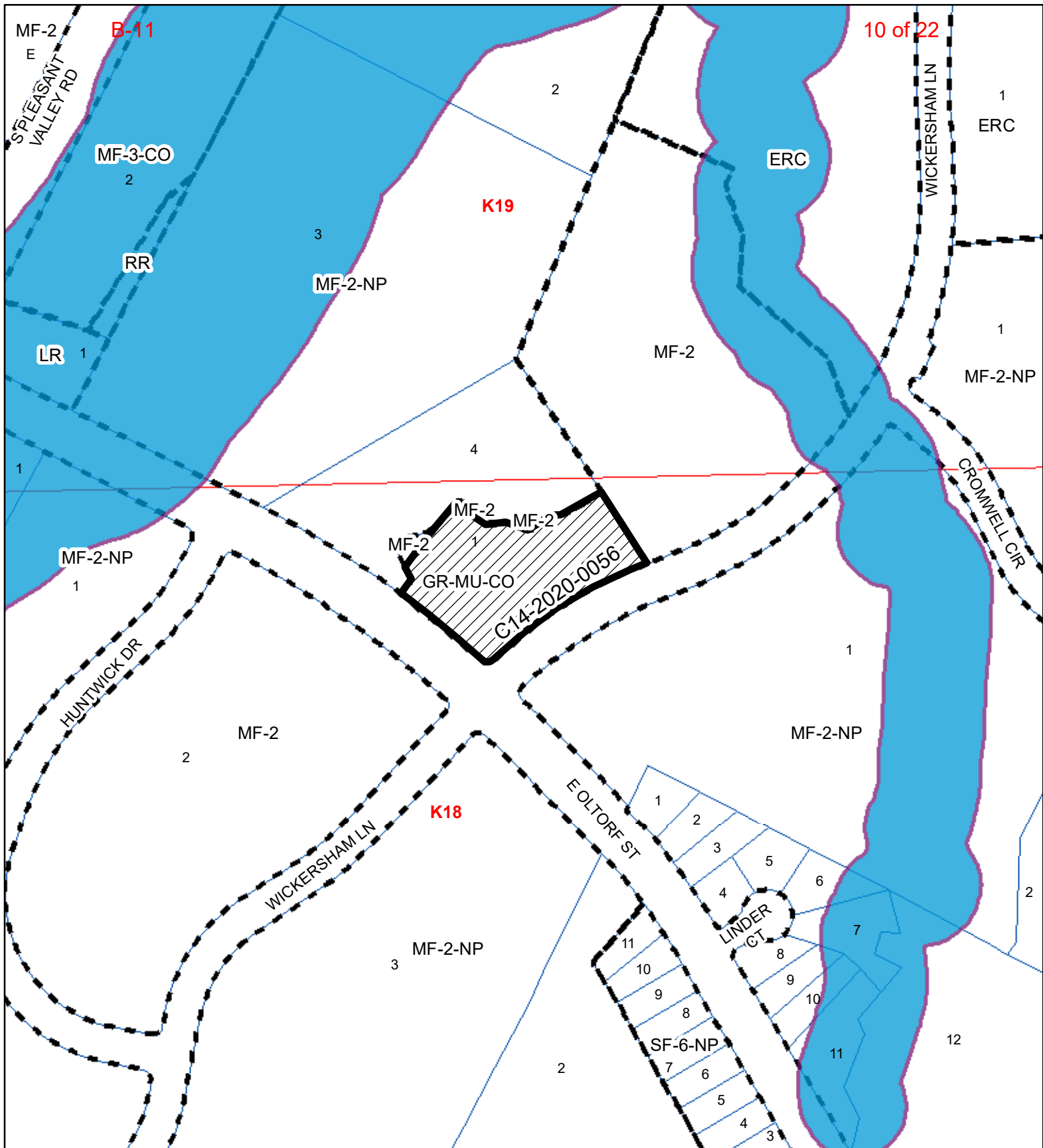
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received

Exhibit D: Ordinance No. 20130214-066



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WICKERSHAM RETAIL CENTER

Exhibit A

ZONING CASE#: C14-2020-0056
 LOCATION: 4544 E OLTORF
 SUBJECT AREA: 1.96 ACRES
 GRID: K18
 MANAGER: KATE CLARK



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

N



1" = 250'



SUBJECT TRACT



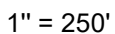
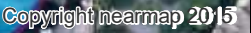
ZONING BOUNDARY



PENDING CASE



CREEK BUFFER



-

Exhibit B

ZONING CASE#: C14-2020-0056
LOCATION: 4544 E OLTORF
SUBJECT AREA: 1.96 ACRES
GRID: K18
MANAGER: KATE CLARK



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Clark, Kate

From: Malcolm Yeatts
Sent: Monday, June 8, 2020 3:32 PM
To: Clark, Kate
Subject: RE: C14-2020-0056

Thank you for this clarification. I looked on the EROC FLUM and saw that this property is a white space. One question: do other NP Areas have properties that could opt out of the planning process? I am opposed to this change. I was involved in the 2012 case that added this restriction. You can have the applicant contact me.

Malcolm Yeatts

From: Clark, Kate <Kate.Clark@austintexas.gov>
Sent: Monday, June 8, 2020 3:23 PM
To: Malcolm Yeatts
Subject: RE: C14-2020-0056

Mr. Yeatts,

While this property is within the Pleasant Valley Neighborhood Planning area, it was omitted on the FLUM. It does not require a Neighborhood Plan Amendment (NPA) to change the uses listed in the current Ordinance. I also verified that because this lot does not fall within the East Riverside Corridor, it does require a Community Meeting.

If you are opposed to this rezoning request, do you mind if I share your contact information with the Applicant? They want to speak with you about your concerns.

Kate Clark, AICP, LEED AP

Senior Planner

City of Austin | Planning and Zoning Department

Mailing Address: P.O.Box 1088, Austin, Texas 78767

Physical Address: [505 Barton Springs Rd, 5th floor, Austin, Texas 78704](#)

Tel: 512-974-1237

Email: kate.clark@austintexas.gov

From: Malcolm Yeatts
Sent: Monday, June 8, 2020 12:27 PM
To: Clark, Kate <Kate.Clark@austintexas.gov>
Subject: RE: C14-2020-0056

Does this mean that there is no requirement for an NPA? I looked at the case on the city website, and the applicant wants to remove the prohibition on drive-through services. This is an important consideration for the adjacent residential properties. This prohibition was specifically added during the last NPA (C14-2012-0114) to reduce traffic and noise.

Malcolm Yeatts Chair, EROC Contact Team

From: Clark, Kate <Kate.Clark@austintexas.gov>
Sent: Monday, June 8, 2020 10:51 AM
To: Malcolm Yeatts
Subject: RE: C14-2020-0056

Good Morning Mr. Yeatts,

I clarified with the applicant that they are only requesting to rezone the original GR-MU-CO area, for a change in conditions. We are working to amend the case boundary in our system. I apologize for the confusion. Please let me know if you have any other questions.

Kate Clark, AICP, LEED AP

Senior Planner

City of Austin | Planning and Zoning Department

Mailing Address: P.O.Box 1088, Austin, Texas 78767

Physical Address: [505 Barton Springs Rd, 5th floor, Austin, Texas 78704](#)

Tel: 512-974-1237

Email: kate.clark@austintexas.gov

From: Malcolm Yeatts
Sent: Sunday, June 7, 2020 6:03 PM
To: Clark, Kate <Kate.Clark@austintexas.gov>
Subject: C14-2020-0056

*** External Email - Exercise Caution ***

I have received a notice for an Application for Rezoning C14-2020-0056. Is there an associated Neighborhood Plan Amendment for this case?

Malcolm Yeatts Chair, EROC Contact Team

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Clark, Kate

From: Allen Stephens
Sent: Tuesday, June 30, 2020 8:58 AM
To: Clark, Kate
Cc: Julie Green; Ira Strange
Subject: Zoning Change File# C14.2020.0056 Wickersham & Oltorf

*** External Email - Exercise Caution ***

Good morning Kate,

My Name is Allen Stephens, I called and left a message at your office and I am on the Board of Monaco condominium complex 4500 E Oltorf and I am writing to you on behalf of our Monaco community.

The rest of the board is attached to this email as well.

we have 56 units in our complex and 56 condo owners. This land up for rezoning is connected to our complex.

This land that the proposed zoning change for commercial use is connected to our property and at one time was apart of our complex, but due to major issues from it once being a land field the shifting destroyed the foundations of all the structures that were built back in 1985.

After that, all existing structures were torn down and the land was sold off from our complex and that Monaco would have a say what would be built there, but over time and it has been sold off so many times Monaco lost the voice that it once had.

Our Complex suffers from the water runoff of this land and with the old pipes in this part of the city, we have had a lot of water main breaks because of the water pressure that has been increased in the city due to population and growth, this alone has cost us thousand and thousand of dollars.

This land is right up next to condo homes where we live our lives because this is a residential area and not a commercial area.

Rezoning this for commercial land would take away the homes we have all built and cause a lot of major issues for our complex that we would have to be out the money to fix change or any other unknown issues this would bring to us.

Rezoning this for commercial would lower our property value being in our back yard and taking away our homes as we have come to know and love our small place in this great city.

The Board and the community of Monaco are opposed to this land zoning change for File# 14.2020.0056 at Wickersham and Oltorf.

Thank you.
Monaco Condominium Board.
Allen Stephens
512.919.9330

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2020-0056

Contact: Kate Clark, 512-974-1237

Public Hearing: July 14, 2020, Planning Commission

Laura Walters

Your Name (please print)

2450 Wickersham Ln #203 78741

☐ I am in favor
☒ I object

Your address(es) affected by this application

Laura Walters

Signature

Date

7-9-2020

Daytime Telephone: 512-400-8113

Comments:

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

City of Austin, Planning & Zoning Department

Kate Clark

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

Kate.Clark@austintexas.gov

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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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.austintexas.gov/planning.

Clark, Kate

From: Ian Tennant
Sent: Friday, July 10, 2020 2:28 PM
To: Clark, Kate
Subject: RE: Zoning Case ID #C14-2020-0056
Attachments: COA CASE TRACKER.jpg; C14-2020-0056.pdf; RESTR COV 2013.pdf

*** External Email - Exercise Caution ***

Hi Kate,

I'm reaching out as an owner in the Chamonix Condominiums, as well as board member and treasurer of the Chamonix HOA located at 2450 Wickersham Lane.

Per some correspondence we've received from Malcolm Yeatts, our current EROC Contact Team chairperson, I'd like to provide my personal opinion on the above-referenced case ahead of the city's planning commission meeting scheduled for July 28th.

After reviewing the facts and information presented in the Notice of Filing of Application for Rezoning: **I vote to limit any drive-through services to specified businesses such as pharmacies or dry cleaners. I oppose the operation of a fast food or other late night drive-through establishment there.**

Attached are related materials for reference.

Cheers,

--

Ian Tennant

Board Member / Treasurer

Chamonix Owners Association, Inc.

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Clark, Kate

From: Will Mack
Sent: Saturday, July 11, 2020 5:15 PM
To: Clark, Kate
Subject: Case #C14-2020-0056

*** External Email - Exercise Caution ***

Hi Kate,

I am writing to provide my opinion on case #C14-2020-0056. I live in the Chamonix complex across the street from the subject property at oltorf and Wickersham.

I support the change in zoning. The current state of the lot is unacceptable and I would support any change that would enable the lot to be developed rather than remain in the state of disrepair in which it currently exists. As long as the lot is developed in a way that would address traffic concerns so as to prevent unnecessary congestion at the intersection, I would support a drive through at the subject property.

Thanks,

Will Mack
2450 Wickersham Lane #1605
Austin, Texas 78741

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Clark, Kate

From:
Sent: Wednesday, July 15, 2020 1:17 PM
To: Clark, Kate
Subject: C14-2020-0056

*** External Email - Exercise Caution ***

Ms. Clark,

I am a board member at the Chamonix Condos at Oltorf and Wickersham and I have been active in the HOA association since 1987. I am writing this note with regard to the zoning change at Oltorf and Wickersham. I have resided at the Chamonix Condos since July of 1987 and I have seen many changes in the time I have resided at my condo. Traffic congestion is one of the major changes I have noticed. The intersection at Oltorf and Wickersham did not have a traffic light for many years and there were constant accidents. Now that we have a traffic light, there are bike lanes and traffic builds up at the lights. A few years back another development was to have happened at that area but because of the zoning requirements, it did not pass and the ownership of the property was transferred to another development company. I feel that any development near that intersection should be carefully studied to assure that traffic moves smoothly. I feel that there is too much traffic congestion at that intersection as it is. If a zoning change is made, it should limit any drive-through services to specified businesses such as pharmacies or dry cleaners. I oppose the operation of a fast food or other late night drive-through establishment at that intersection. My fear is that the transients near the Riverside area may further congest the area at Oltorf and Wickersham. As more construction happens in this part of town, more traffic issues will cause a multitude of issues for residents. There are not enough traffic lanes to handle the excess traffic congestion at Oltorf and Wickersham.

Thank you for your time and consideration.

Sylvia Gomez
Board Member at Chamonix Condominiums

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Clark, Kate

From: Malcolm Yeatts
Sent: Sunday, July 19, 2020 8:04 PM
To: Clark, Kate
Subject: C14-2020-0056
Attachments: FINAL_Wickersham_Ln_Riverside_Dr_to_Oltorf_St_mailing_notification_English_.pdf

*** External Email - Exercise Caution ***

The EROC Contact Team has voted to oppose the zoning request C14-2020-0056. The City of Austin Transportation Department has designated Wickersham as a Healthy Street, as a section of the Country Club Creek Trail. A separate bike lane now exists on Wickersham at the Wickersham-Oltorf intersection. Bike lanes are also on Oltorf at this intersection. A drive-through business at this location will create a dangerous situation for bike riders. Cars that are west bound on Oltorf crest the hill east of Wickersham at 40 miles/hour. The crest of the hill is 270 feet from the intersection with Wickersham. This distance and speed gives a west bound driver 4.7 seconds to realize there is a car entering Oltorf at the Wickersham intersection. There have been many accidents at this intersection. This property is adjacent on all sides to residential properties that would be negatively impacted by the traffic and noise of a drive through business. Please deny this request to remove the prohibition on drive through services.

Malcolm Yeatts Chair, EROC Contact Team

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Clark, Kate

From: James Beasley
Sent: Tuesday, July 21, 2020 12:08 PM
To: Clark, Kate
Subject: Re: Zoning Change at Oltorf & Wickersham

Thanks for getting back to me, and for the information Kate.

I do not support the zoning change to allow drive-in service. We need to encourage less automobile use. Just drive by during lunch at P Terry's in Oltorf or the Raising Caines at Riverside and Burton and you'll see what I mean.

All other provisions are fine.

I'll try to get to the Commission meeting.

James Beasley, LEED AP

> On Jul 21, 2020, at 10:16 AM, Clark, Kate <Kate.Clark@austintexas.gov> wrote:

>

> Good Morning Mr. Beasley,

>

> With rezoning cases we don't have an official interested party process like we do with other City processes. However, I am happy to provide any and all information I can about this case.

>

> This property is being rezoned to change a condition of use. It is currently zoned GR-MU-CO. The only change in zoning is to remove a provision that prohibits drive-in service use as an accessory use to commercial uses (Part 2.A). All other parts of the existing ordinance would stay. I am attaching a copy of the ordinance for your convenience.

>

> It is scheduled to be heard at Planning Commission next Tuesday. If you would like to sign up to speak, registration will open around 10:00 am this Friday, July 24th. I will send you an email when you are able to register with instructions.

>

> If you would like to know specific things about the development itself, please contact the applicant's agent Jim Wittliff. His contact information is:

> Jim Wittliff

> Land Answers, Inc.

> 3606 Winfield Cove

> Austin, Texas 78704

> (512) 416-6611

>

> Please let me know if you have any questions.

> Kate Clark, AICP, LEED AP

> Senior Planner

> City of Austin | Planning and Zoning Department Mailing Address:

> P.O.Box 1088, Austin, Texas 78767 Physical Address: 505 Barton Springs Rd, 5th floor, Austin, Texas 78704

> Tel: 512-9 4-1237

> Email: kate.clark@austintexas.gov

Exhibit D

ORDINANCE NO. 20130214-066

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2440 WICKERSHAM LANE FROM MULTI FAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multi family residence low density (MF-2) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-2012-0114, on file at the Planning and Development Review Department, as follows:

A 1.960 acre tract of land, more or less, out of the Santiago Del Valle Grant the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 2440 Wickersham Lane in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Drive-in service use is prohibited as an accessory use to commercial uses.
- B. Development of the Property may not exceed 36 residential units per acre.

C. The following uses are prohibited uses of the Property:

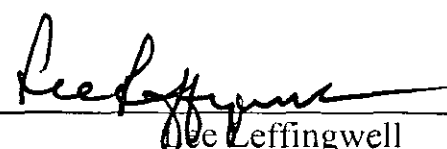
Automotive repair services	Commercial off-street parking
Automotive sales	Community recreation (public)
Congregate living	Drop-off recycling collection facility
Exterminating services	Hospital services-general
Hotel-motel	Indoor sports and recreation
Off-site accessory parking	Outdoor entertainment
Pawn shop services	Private primary educational services
Private secondary educational services	Residential treatment
Service station	Theater

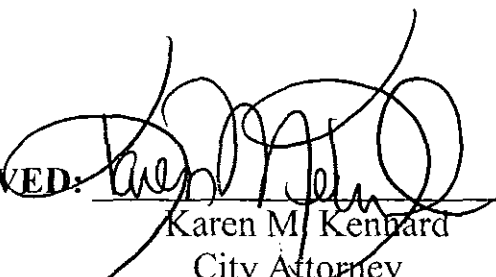
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district, the mixed use combining district and other applicable requirements of the City Code.

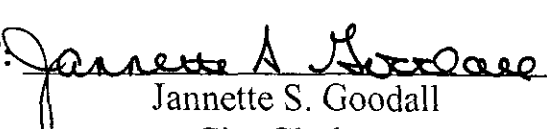
PART 3. This ordinance takes effect on February 25, 2013.

PASSED AND APPROVED

February 14, 2013 § § §


Lee Leffingwell
Mayor

APPROVED: 
Karen M. Kennard
City Attorney

ATTEST: 
Jannette S. Goodall
City Clerk