

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0222 - 3116 SoCo

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3116 South Congress (West Bouldin Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning and multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning; and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. First reading approved on February 28, 2008. Vote: 7-0

ISSUES: None.

APPLICANT/AGENT: Rani Ilai

DATE OF FIRST READING: First reading approved on February 28, 2008. Vote: 7-0

CITY COUNCIL HEARING DATE: February 14, 2008

CITY COUNCIL ACTION:

First reading approved on February 28, 2008. Vote: 7-0

CASE MANAGER: Robert Heil 974-2330

e-mail address: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0222 3116 SoCo

PC Date: January 15, 2008
January 29, 2008

ADDRESS: 3116 South Congress Avenue

AREA: 0.30 acres

APPLICANT/AGENT: Rani Ilai

ZONING FROM: CS-CO-NP & MF-4-NP **TO:** CS-1-MU-CO-NP and GO-CO-NP

STAFF RECOMMENDATION:

For tract 1 staff recommends CS-1-CO-MU-NP
For tract 2 staff recommends LR-MU-CO-NP.

Staff recommends a conditional overlay on the entire property limiting the development to no more than 2000 total daily vehicle trips. Additionally, on the CS-1-MU-CO-NP, staff recommends that the following uses be prohibited:

- Adult Oriented Business
- Automotive Repair
- Automotive Rentals
- Automotive Sales
- Automotive Washing
- Construction Sales and Services
- Convenience Storage
- Liquor Sales
- Pawn Shop Services
- Service Station
- Vehicle Storage

PLANNING COMMISSION RECOMMENDATION:

January 15, 2008: Postponed to January 29 at the request of staff.

January 29, 2008: Approved CS-1-MU-CO-NP (tract 1) and LR-MU-CO-NP (tract 2) on consent (8-0)

DEPARTMENT COMMENTS:

The site consists of two lots, one zoned CS-CO-NP and currently vacant. The second lot is undeveloped and zoned MF-4. Both lots are designated for mixed use on the future land use map of the Dawson Neighborhood Plan.

The request is for a rezoning to CS-1-MU-CO-NP on the front lot to allow for the possibility of cocktail lounge. The potential exists also exists for at least one residential unit in the existing building, and the mixed-use overly would allow residential uses.

For the portion of the property (Tract 2) facing Coleman, staff recommend, neighborhood commercial – mixed use – neighborhood plan (LR-MU-NP). This would allow neighborhood serving uses to develop on the site, including residential, and would be in accord with the Dawson Neighborhood Plan.

In June 2006, City Council adopted the future land use map for the Dawson Neighborhood Plan, in which the subject property was designated "mixed-use". Representatives of the Dawson Neighborhood Contact Team believe designating the entire property as mixed-use was a mistake. Because the property has both commercial and multi-family zoning, the entire property was given "mixed use" land use designation. However, other multi-family zoned properties along Congress Ave. were all designated as "multi-family" land use.

Staff has reviewed the concerns, and determined that while this was important information to note in the case file, the Dawson future land use map was developed correctly. The maps in the ordinance creating the FLUM displayed both the multi-family and commercial zoning on the property. Also, multi-family zoning is permissible in the mixed-use land use designation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP & MF-4-NP	Vacant (former security company) & Undeveloped
<i>North</i>	CS-CO-NP	Undeveloped, Office and Commercial
<i>South</i>	CS-CO-NP	Commercial Florist
<i>East</i>	GO-MU-NP	St. Edward's University
<i>West</i>	SF-3-NP	Single Family Homes

AREA STUDY: The property lies within the Dawson Neighborhood Plan. The current Future Land Use map calls for Mixed Use land use on the site, no plan amendment is required.

TIA: A Neighborhood Traffic Analysis is required and was performed for this project by the Transportation Review staff. Results are attached in a separate memo. LDC, Sec. 25-6-114.

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED COMMUNITY ORGANIZATIONS:

- Dawson Neighborhood Association
- Terrell Lane Interceptor Association
- Barton Springs/Edwards Aquifer Conservation District
- South Central Coalition
- Austin Neighborhoods Council
- Galindo Elementary Neighborhood Association
- Dawson Neighborhood Planning Team

SCHOOLS:

- Dawson Elementary School
- Fulmore Middle School
- Travis High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
S Congress Ave	120'	70'	Arterial	Yes	Yes	Yes
Coleman St	50'	30'	Local	No	Yes	Yes (within ¼ mile)

CITY COUNCIL DATE:

February 28, 2008:

ACTION:

Approved CS-1-MU-CO-NP (tract 1) and LR-MU-CO-NP on first reading

March 20, 2008

ORDINANCE READINGS:

1st 2/28/08 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330

SUMMARY STAFF RECOMMENDATION

For tract 1 staff recommends CS-1-CO-MU-NP

For tract 2 staff recommends LR-MU-CO-NP.

Staff recommends a conditional overlay on the entire property limiting the development to no more than 2000 total daily vehicle trips. Additionally, on the CS-1-MU-CO-NP, staff recommends that the following uses be prohibited:

- Adult Oriented Business
- Automotive Repair
- Automotive Rentals
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- Construction Sales and Services
- Convenience Storage
- Liquor Sales
- Pawn Shop Services
- Service Station
- Vehicle Storage

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

Property to the north and east is zoned CS. Property to the south is zoned CS. CS-1 is appropriate along South Congress, with a conditional overlay limiting incompatible uses.

2. *The proposed zoning should be consistent with adopted neighborhood plans.*

The property lies within the Dawson Neighborhood Plan. The current Future Land Use map calls for Mixed Use land use on the site, no plan amendment is required. (see department notes above)

Site Plan

For any new development, the 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.
- No parking or driveways are allowed within 25 feet of the 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.

This site will also be subject to Subchapter E: Design Standards and Mixed Use. Additional design regulations will be enforced at the time a site plan is submitted.

Cocktail lounge or restaurant with late night hours will require a conditional use permit. *FYI - As a condition of approval for a conditional use site plan, a parking area for a cocktail lounge or a restaurant with a late-hours permit must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless: (1) the lounge or restaurant is located within an enclosed shopping center; or 2) the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan. § 25-5-146*

Transportation

The Austin Metropolitan Area Transportation Plan (AMATP) calls for a total of 140 feet of right-of-way for Congress Avenue. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of Congress Ave in accordance with the AMATP. [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]

A Neighborhood Traffic Analysis is required and was performed for this project by the Transportation Review staff. Results are provided in a separate memo. LDC, Sec. 25-6-114.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin 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.

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

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 s.f. 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.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features.

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

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

- 14. Rezoning: C14-2007-0200 - 2704 S. First**
Location: 2704 S. 1st Street, East Bouldin Watershed, Galindo NPA
Owner/Applicant: Julia Magness Schlebe
Agent: Julia Magness Schlebe
Request: From SF-3 to LR-MU
Staff Rec.: **Recommended**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Neighborhood Planning & Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR LR-MU DISTRICT ZONING; BY CONSENT.

[J.REDDY, M.DEALEY 2ND] (8-0)

- 15. Rezoning: C14-2007-0222 - 3116 SoCo**
Location: 3116 South Congress Avenue, East Bouldin Creek Watershed, Dawson NPA
Owner/Applicant: Rani Ilia
Agent: Rani Ilia
Request: From CS-CO-NP and MF-4-NP to CS-1-MU-CO-NP and GO-MU-CO-NP
Staff Rec.: **CS-1-MU-CO-NP and LR-MU-CO-NP**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Neighborhood Planning & Zoning Department

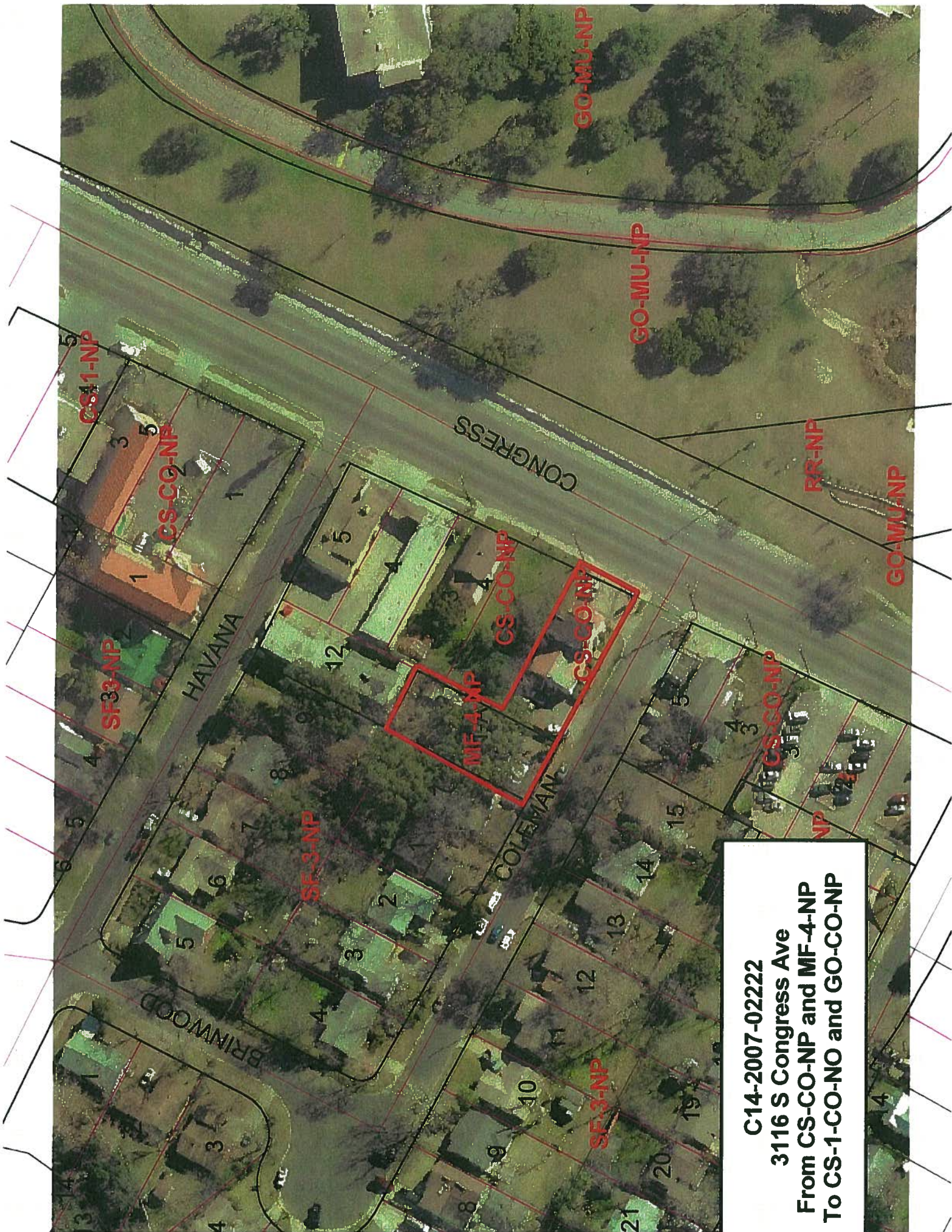
APPROVED STAFF'S RECOMMENDATION FOR CS-1-MU-CO-NP & GO-MU-CO-NP DISTRICT ZONING; BY CONSENT.

[J.REDDY, M.DEALEY 2ND] (8-0)

- 16. Rezoning: C14-2007-0234 - South Urban Lofts**
Location: 4367 Congress Avenue, Williamson Watershed, East Congress NPA
Owner/Applicant: Mich Ely
Agent: Mike McHone
Request: CS-MU-CO-NP and MF-6-CO-NP to CS-MU-CO-NP and MF-6-CO-NP
Staff Rec.: **Recommended**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Neighborhood Planning & Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR CS-MU-CO-NP & MF-6-CO-NP DISTRICT ZONING; BY CONSENT.

[J.REDDY, M.DEALEY 2ND] (8-0)



C14-2007-02222
3116 S Congress Ave
From CS-CO-NP and MF-4-NP
To CS-1-CO-NO and GO-CO-NP

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