

## SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2008-0050 – Clark and Southside 13

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8104 and 8200 South Congress Avenue (South Boggy Creek Watershed) from development reserve (DR) district zoning, rural residence – conditional overlay (RR-CO) combining district zoning and single family residence standard lot (SF-2) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. The Conditional Overlay establishes a 50-foot wide landscape buffer and a 100-foot wide building setback along the northwest and southwest property lines; prohibits adult-oriented uses, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), commercial blood plasma center and pawn shop services; and, limits development of the property to 2,000 vehicle trips per day.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

OWNER: Chris Clark and Southside Storage, Inc. (Bobby New).

AGENT: Jim Bennett Consulting (Jim Bennett).

DATE OF FIRST READING: May 22, 2008, approved CS-CO district zoning with the Conditional Overlay for a 50-foot wide landscape buffer; a 100-foot wide building setback along the northwest and southwest property lines; prohibiting the following uses: adult-oriented uses, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), commercial blood plasma center and pawn shop services; and a 2,000 vehicle trips per day limitation, on First Reading (7-0).

CITY COUNCIL HEARING DATE: June 18, 2008

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0050 – Clark & Southside 13      **Z.A.P. DATE:** April 15, 2008

**ADDRESS:** 8104 and 8200 South Congress Avenue

**OWNER:** Chris Clark & Southside Storage, Inc.  
(Bobby New)      **AGENT:** Jim Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** DR; RR-CO; SF-2

**TO:** CS for Tract 1 (11.921 acres)  
and Tract 2 (1.183 acres)

**TOTAL AREA:** 13.104 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services (CS-CO) combining district zoning. The Conditional Overlay prohibits adult-oriented businesses and pawn shop services; establishes a 50 foot landscape buffer and a 100-foot wide building setback along the northwest and southwest property lines; and limits the number of daily trips to 2,000.

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

April 15, 2008: *APPROVED CS-CO DISTRICT ZONING; WITH THE CO FOR A 50' WIDE LANDSCAPE BUFFER, A 100-FOOT WIDE BUILDING SETBACK ALONG THE NORTHWEST AND SOUTHWEST PROPERTY LINES; A 2,000 DAILY VEHICLE TRIP LIMIT AND PROHIBITING THE FOLLOWING USES: ADULT-ORIENTED BUSINESSES; AUTOMOTIVE RENTALS; AUTOMOTIVE REPAIR SERVICES; AUTOMOTIVE SALES; AUTOMOTIVE WASHING (OF ANY TYPE); COMMERCIAL BLOOD PLASMA CENTER; CONVENIENCE STORAGE; PAWN SHOP SERVICES AND VEHICLE STORAGE.*

*[K. JACKSON; J. MARTINEZ – 2<sup>ND</sup>] (7-0-1) J. SHIEH - NAY*

### **ISSUES:**

The Applicant would like to discuss the Zoning and Platting Commission's recommendation. Mr. Chris Clark, an owner, is in agreement with the Commission's recommendation for his property. However, the owner of Southside Storage, Inc. (Mr. Bobby New), would like the Council to consider removing automotive rentals, automotive repair services, automotive sales and automotive washing (of any type) from the prohibited use list.

The Applicants do not wish to pursue the MU combining district for this case.

### **DEPARTMENT COMMENTS:**

The subject property contains four single family residences and has single family residence – standard lot (SF-2) district and development reserve (DR) district along the South Congress Avenue frontage, and rural residence – conditional overlay (RR-CO) combining district

zoning and DR along either side of what is noted on the zoning map as Hubach Lane. Access is taken from South Congress Avenue. Hubach Lane extends as an unpaved driveway from South Congress; Surveyor's work has not identified it as an easement or a public right-of-way. With the exception of a large tract of land adjacent to the west which contains a limited number of single family residences and the Peaceful Hill subdivision under construction to the southwest (zoned DR; SF-4A-CO), the surrounding area consists of intensive commercial and industrial uses. There are auto-related uses further north and southeast (auto salvage – DR; LI-CO), an industrial park to the south (LI-CO); and undeveloped land that was recently approved for single family – small lot residence (SF-4A-CO) to the west. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the tract to the general commercial services (CS) district for development of unspecified commercial uses. In consideration of the property's location within a traditionally intensive commercial and industrial area, zoning case histories, and frontage on a major arterial, Staff recommends the Applicant's CS-CO district. The Conditional Overlay prohibits adult-oriented businesses and pawn shop services; establishes greater compatibility with the residential uses to the northwest and southwest by requiring a 50 foot landscape buffer and a 100-foot wide building setback along these property lines; and limits the number of daily trips to 2,000.

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR; RR-CO; SF-2	Four single family residences
<i>North</i>	DR	RV & boat storage; Convenience storage; Auto salvage
<i>South</i>	LI-CO; GR-CO	Auto salvage; Heating and air conditioning repair; Mechanical contractor; Warehouses
<i>East</i>	LI-CO; GR	Auto salvage; Capital Area Food Bank; Undeveloped
<i>West</i>	DR; LI-CO; SF-4A-CO	Existing single family residences; 131 single family residential lots and detention pond in the Peaceful Hill subdivision

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** South Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 262 – Beaconridge Neighborhood Association  
 300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 948 – South by Southeast Neighborhood Organization

1037 – Homeless Neighborhood Association

1075 – League of Bicycling Voters

**SCHOOLS:**

Williams Elementary School

Bedichek Middle School

Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0078 – South IH-35 Transit Facility	GR to LI-PDA	To Grant LI-PDA with 3 conditions of the Environmental Board	Approved LI-PDA with 3 conditions on 1st Reading (11-16-06). Case subsequently withdrawn by the Applicant.
C14-86-137 (RCT) – Peaceful Hill	To terminate the Restrictive Covenant addressing access, minimum lot size, prohibited uses and a landscape buffer	To Grant the termination.	Approved the termination (06-22-06).
C14-05-0195 – Crippen Sheet Metal	DR to LI	To Grant LI-CO with light manufacturing as the only LI use, all LR uses and 300 trips above the existing number generated.	Approved LI-CO with CO for light manufacturing, all CS uses with certain prohibited uses and 300 trips above the existing number generated (4-20-06).
C14-05-0045 – Big 4	DR to LI	To Grant LI-CO for Tract 1 with CO to prohibit basic industry and resource extraction; CS-CO for Tract 2 (west 50 feet) with CO for 30' height limit. Additional CO for 300 trips beyond the existing generated.	Approved LI-CO; CS-CO as ZAP recommended (6-23-05).
C14-05-0034.SH – Peaceful Hill Subdivision	SF-6; W/LO; LI; DR to SF-4A	To Deny SF-4A	Approved SF-4A-CO with CO for: 1) 2,000 trips; 2) prohibit access to Peaceful Hill

			<p>Lane; 3) a residential use shall comply with the measures under Section 25-13-44 (Airport Overlay Land Use Table) that achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels; 4) a 30-foot wide rear yard setback shall be established for a residential structure adjacent to a non-residential use or zoning district; and 5) the maximum height is one story adjacent to Crippen Sheet Metal.</p> <p><b>Restrictive Covenant</b> for: 1) the Neighborhood Traffic Analysis; 2) construction of a pedestrian accessway to Peaceful Hill Lane; 3) center turn lane along Ralph Ablanedo Drive frontage; 4) 6' high solid masonry wall along property lines that do not abut Ralph Ablanedo Drive on the south and Peaceful Hill Lane on the west, and 5) an 8-foot high solid fence along the east property line (12-15-05).</p>
C14-04-0179 – Big 4	DR; SF-2 to CS	To Grant CS-CO with CO for fencing; landscape buffer; 30' structure height; prohibited uses and 2,000 trips. Street deed	Approved CS-CO district zoning with Street Deed and Public Restrictive Covenant as ZAP recommended (03-10-05).

		required on Cullen Lane. Public Restrictive Covenant for hours of operation.	
C14-00-2018 – Wattinger Acres	DR to LI	To Grant LI-CO	Approved LI-CO with CO for 2,000 trips; no access to Hubach Lane; prohibited uses of scrap & salvage, pawn shops, service station, adult-oriented uses; auto sales and vehicle storage (05-11-00).
C14-99-0039 – Mickey Rich Plumbing and Heating, Inc.	DR to CS-1; LI	CS-1 request withdrawn; To Grant LI-CO with conditions	Approved LI-CO with CO for 2,000 trips; prohibited uses; no access to Hubach; F.A.R. limited to 0.039 to 1 for retail uses (8-19-99).
C14-95-0048 – NFP Partnership Zoning Change	DR; SF-2 to LI	To Grant	Approved LI-CO with conditions including performance standards (6-22-95).
C14-91-0047 – Dave Transportation Services, Inc.	DR; SF-2 to LI	To Grant LI	Approved LI-CO with CO to prohibit general retail sales (general and convenience), PDA performance standards and no structure within 25' of the front yard (7-11-91).
C14-89-0077 – F. G. Spillman, et al	DR; SF-2 to LI	To Grant LI-CO with conditions	Approved LI-CO with CO for PDA performance standards, and no structure within 25' of the front yard (7-12-90).
C14-85-093 – Bruce Patterson, 8501 Peaceful Hill Lane	I-RR to LI	To Grant LI with use limited to steel fabrication and / or warehousing activities	Approved LI with Restrictive Covenant limiting the use of the property to steel fabrication and / or warehousing activities

			(1-16-86).
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**RELATED CASES:**

The property was annexed into the City limits in November 1984. The RR-CO portion of the subject zoning application was contained within the adjacent Bill's Auto Parts case which was approved for LI-CO zoning on August 10, 2006 (C14-06-0086).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
South Congress Avenue	135 feet	70 feet	Arterial	Yes	Yes	Yes

**COUNCIL DATE:** May 22, 2008

**ACTION:** Approved CS-CO district zoning with the Conditional Overlay for a 50-foot wide landscape buffer; a 100-foot wide building setback along the northwest and southwest property lines; prohibiting the following uses: adult-oriented uses, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), commercial blood plasma center and pawn shop services; and a 2,000 vehicle trips per day limitation, on First Reading (7-0).

June 18, 2008

**ORDINANCE READINGS:** 1<sup>st</sup> May 22, 2008

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**




**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

**PHONE:** 974-7719

## ZONING

EXHIBIT A



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

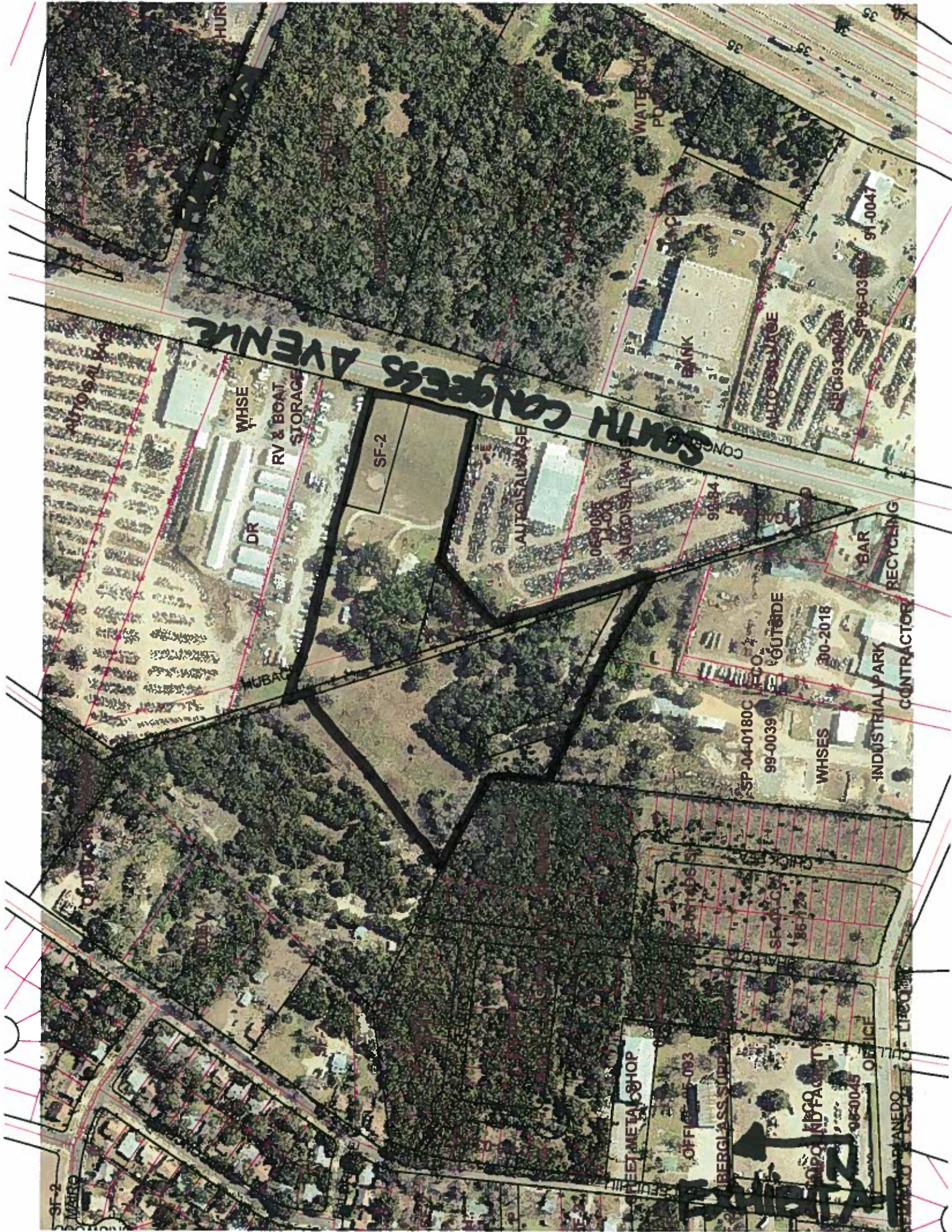
**ZONING CASE#: C14-2008-0050**  
**ADDRESS: 8104 & 8200 S CONGRESS AVE**  
**SUBJECT AREA: 13.10 ACRES**  
**GRID: G14**  
**MANAGER: W. RHOADES**

OPERATOR: S. MEEKS

$$1'' = 400'$$

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services (CS-CO) combining district zoning. The Conditional Overlay prohibits adult-oriented businesses and pawn shop services; establishes a 50 foot landscape buffer and a 100-foot wide building setback along the northwest and southwest property lines; and limits the number of daily trips to 2,000.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

CS, General Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

In consideration of the property's location within a traditionally intensive commercial and industrial area, zoning case histories, and frontage on a major arterial, Staff recommends the Applicant's CS-CO district. The Conditional Overlay prohibits adult-oriented businesses and pawn shop services; establishes greater compatibility with the residential uses to the northwest and southwest by requiring a 50 foot landscape buffer and a 100-foot wide building setback along these property lines; and limits the number of daily trips to 2,000.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is undeveloped and relatively flat.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 80%, which is based on the more restrictive watershed regulations described above.

**Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the South Boggy 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. 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 Net Site Area</i>	<i>% 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%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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

At this time, site specific information is unavailable regarding existing trees and 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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

### **Transportation**

Additional right-of-way may be required at the time of subdivision and/or site plan.

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]

### **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 relocations and or abandonments required. 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.

**Compatibility and Building Standards**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. (South Congress is a future Core Transit Corridor).

The site is subject to compatibility standards. Along the north and a portion of 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

## 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:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/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: C14-2008-0050

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

April 15, 2008 Zoning and Platting Commission

☒ I am in favor  
☐ I object

Mark Yandow  
Your Name (please print)

8008 S CONCEPT DRIVE

Your address(es) affected by this application

M. Yandow

Signature

4-7-08

Date

Comments:

ZONING LOOKS APPROPRIATE  
AND WILL HELP GROW THE  
AREA IN A POSITIVE DIRECTION

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810