

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0048 – Fort Magruder 1

P.C. DATE: May 22, 2007

C.C. DATE: Oct 18, 2007

P.C. DATE: June 24, 2008*

C.C. DATE: July 24, 2008*

ADDRESS: 3811 Wadford Street

OWNER/APPLICANT: Sonja Hunter

AGENT: Thrower Designs (Ron Thrower)

AREA: 0.297 acres

ZONING FROM: SF-3-NP

TO: CS-MU-V-CO-NP

SUMMARY OF ISSUES:

At first reading at the October 18 council meeting, the City Council approved the rezoning of the property to GR-MU-CO-NP (community commercial-mixed use-conditional overlay-neighborhood plan) combining district zoning. Per Council Member McCracken's motion, the property was to be made eligible for the affordable housing density bonus available for a mixed-use project.

However, the subject property does not have frontage to South Congress Avenue, and thus, was not included in the VMU opt-in / opt-out process. Because granting the density bonus under vertical mixed-use is an increase in entitlements to what was originally requested, the rezoning case was sent back to the Planning Commission for a new public hearing and proper reposting.

STAFF RECOMMENDATION:

Staff recommends approval of GR-MU-V-CO-NP (community commercial – mixed use – vertical mixed use overlay – conditional overlay – neighborhood plan) combining district zoning. The conditional overlay shall limit the number of trips per day to 1,000 and prohibit the following uses:

- | | |
|----------------------------------|---|
| ▪ Automotive Repair Services | ▪ Drive-Thru Services as an Accessory Use |
| ▪ Automotive Rental | ▪ Hotel-Motel |
| ▪ Automotive Sales | ▪ Off-Site Accessory Parking |
| ▪ Automotive Washing | ▪ Pawn Shop Services |
| ▪ Bail Bond Services | ▪ Service Station |
| ▪ Community Recreation – Private | |
| ▪ Community Recreation – Public | |

For the vertical mixed-use overlay, staff recommends approval of the following components:

- The property is exempt from the dimensional standards identified in Article 4.3.3 E.2 (Dimensional and Parking Requirements)
- The property is subject to the parking reductions identified in Article 4.3.3 E.3 (Dimensional and Parking Requirements)
- Ten percent of residential units available for rental in a vertical mixed-use building shall be reserved for households earning no more than 60 percent of the Annual Median Family Income.

The staff recommendations for the "V" component reflect the same vertical mixed-use standards adopted on the majority of the properties within the Dawson Neighborhood Planning Area during the opt-in / opt-out process.

PLANNING COMMISSION RECOMMENDATION:

May 8, 2007 – Postponed to May 22 at the request of staff.

May 22, 2007 – Approved staff recommendation for GR-MU-CO-NP [Vote: 8-0; S. Kirk – 1st / T. Atkins – 2nd / P. Cavazos – Absent]

June 18, 2008 – Approved staff recommendation for GR-MU-V-CO-NP [Vote: J. Reddy – 1st; P. Cavazos – 2nd / C. Small Left Early]

DEPARTMENT COMMENTS:

The 0.297-acre property is currently developed with a single-family residence and is zoned SF-3 (single-family residence) district zoning. The applicant intends to rezone the property to CS-MU-V-CO-NP to allow for the potential development of a vertical mixed-use building.

The sought conditional overlay would limit the site to 1,000 vehicle trips / day and prohibit the following uses:

- | | |
|----------------------------------|---|
| ▪ Automotive Repair Services | ▪ Drive-Thru Services as an Accessory Use |
| ▪ Automotive Rental | ▪ Hotel-Motel |
| ▪ Automotive Sales | ▪ Off-Site Accessory Parking |
| ▪ Automotive Washing | ▪ Pawn Shop Services |
| ▪ Bail Bond Services | ▪ Service Station |
| ▪ Community Recreation – Private | |
| ▪ Community Recreation – Public | |

On October 18, 2007, the City Council approved the change of the land use designation for the site from single-family to mixed-use on the Future Land Use Map (FLUM) and approved 1st reading for the rezoning from SF-3-NP to GR-MU-CO-NP. The motion included making the property eligible for the affordable housing density bonus available for vertical mixed-use buildings (see explanation above in "Summary of Issues".)

The subject property, Fort Magruder 3B, takes both ingress and egress access from Wadford Street, which it fronts. The property is predominately surrounded by commercial uses and commercially zoned property to the north and east. To the west and on the western side of Wadford Street are single-family residences. To the south, is a commercially zoned (GR) lot developed with a telecommunication tower and a single-family zoned single-family residence.

The subject property, Fort Magruder 1, is somewhat related to a group of four rezoning cases, filed by Mr. Ron Thrower, located on a block fronting Ben White Blvd. All four related cases were passed with GR-MU-V-CO-NP zoning. The timeline for this case is scheduled so that all the Fort Magruder rezoning cases currently on file with the city can be heard at the same time.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family Residence
<i>North</i>	CS-CO-NP	Automotive Repair
<i>South</i>	SF-3-NP; GR-CO-NP	Single-Family Residence and Telecommunication Tower
<i>East</i>	CS-CO-NP	Restaurant (General), General Retail
<i>West</i>	SF-3-NP	Single-Family Residences

AREA STUDY: Dawson Neighborhood Plan**TIA:** Waived (1,000 / day trip limit)**WATERSHED:** East Bouldin Creek**DESIRED DEVELOPMENT ZONE:** YES**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Dawson Neighborhood Association
 Galindo Elementary Neighborhood Association
 Austin Neighborhoods Council
 Austin Independent School District
 South Central Coalition

Barton Springs / Edwards Aquifer Conservation District
 Terrell Lane Interceptor Association
 Home Builders Association of Greater Austin
 CIM
 Homeless Neighborhood Association

SCHOOLS:

Dawson Elementary School
 Fulmore Middle School
 Travis High School

CASE HISTORIES:**C14-2007-0236 – Dawson VMU Application**

The vertical mixed-use opt-in / opt-out process was completed for the Dawson Neighborhood Planning Area on January 10, 2008. Most of the properties within the area were included for all of the additional bonus provisions allowed by the vertical mixed-use overlay. The neighborhood set the affordability level at 60% MFI to take advantage of the dimensional standards waiver.

PC: Approved neighborhood recommendation (VMU); (7-0)

CC: Approved Planning Commission recommendation (7-0); all 3 readings

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2007-0048 Fort Magruder 1	From SF-3-NP to CS-MU-CO-NP	Approved staff's recommendation of GR-MU-CO-NP [Vote: 8-0; P. Cavazos – Absent]	Approved GR-MU-CO-NP on 1 st Reading Only [Vote: 6-0; M. Martinez off]
NPA-07-0001.01 – Dawson Neighborhood Plan Amendments	From Single-Family to Mixed-Use	Approved staff's recommendation of Mixed Use with no principle commercial development & residential only on last 75' of project [Vote: 8-1, D. Sullivan-no]	Approved Mixed-Use for PART (those properties being brought forward as rezoning cases) [Vote: 6-0; Martinez off]

FORT MAGRUDER CASES:

Case	Address	Request	Status
C14-2008-0072 – Fort Magruder 3A	3902 & 3904 Wadford Street	From SF-3-NP to GR-MU-V-CO-NP	PC recommended GR-MU-V-CO-NP
C14-2008-0073 – Fort Magruder 3D	213 Dunlap St. and 3907 A + B Reyna St.	From SF-3-NP to GR-MU-V-CO-NP	PC recommended GR-MU-V-CO-NP
NPA-2008-0001.02 (PART – Fort Magruder 3D)	3907 B Reyna St.	From Single-Family to Mixed-Use	PC recommended Mixed-Use
C14-2008-0074 – Fort Magruder 3C	207 Dunlap St.	From SF-3-NP to GR-MU-V-CO-NP	PC recommended GR-MU-V-CO-NP
C14-2008-0084 – Fort Magruder 3B	4906 Wadford St.	From SF-3-NP to CS-MU-CO-NP	PC recommended GR-MU-V-CO-NP

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Wadford St	43'	28'	Local	No	Rt. 47	Route 1 S. Congress

CITY COUNCIL DATE: October 18, 2007

ACTION: Approved the rezoning of the property to GR-MU-CO-NP (community commercial-mixed use-conditional overlay-neighborhood plan) combining district zoning. Per Council Member McCracken's motion, the property was to be made eligible for the affordable housing density bonus available for a mixed-use project. [Vote: 6-0; McCracken – 1st; Cole – 2nd; Martinez – off]

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Robert Levinski**PHONE:** 974-1384

STAFF RECOMMENDATION

Staff recommends approval of GR-MU-V-CO-NP (community commercial – mixed use – vertical mixed use overlay – conditional overlay – neighborhood plan) combining district zoning.

BASIS FOR RECOMMENDATION

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

On October 18, 2007, the Austin City Council voted (6-0; M. Martinez off the dais) to amend the Dawson Neighborhood Plan Future Land Use Map to change the land use designations for the subject properties from single-family to mixed-use.

One of the major goals of the original Dawson Neighborhood Plan, adopted in 1998, is to keep intense commercial uses away from existing single-family residences. Thus, staff recommends a conditional overlay prohibiting the more intense commercial uses, including all automobile-related uses.

2. *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 property is located on a block fronting Congress Avenue, where commercial zoning is more appropriate than single-family.

EXISTING CONDITIONS

Site Characteristics

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.

Compatibility Standards

The site is subject to compatibility standards. Along the property line(s) adjacent to SF-3-NP, 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.
- A landscape area at least 25 feet wide is required along 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.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

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

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 a flood plain adjacent to the project boundary.

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.

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

Transportation

The trip generation under the requested zoning is estimated to be 1,797 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

Staff performed a Neighborhood Traffic Analysis for this project (attached).

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

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Wadford St	43'	28'	Local	No	Rt. 47	Route 1 S. Congress

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.

