

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0074 – Fort Magruder 3C

P.C. DATE: May 13, 2008

C.C. DATE: June 18, 2008 (Notice Error)
July 24, 2008

ADDRESS: 207 Dunlap St.

OWNER/APPLICANT: James Lacey

AGENT: Thrower Designs (Ron Thrower)

AREA: 0.289 acres

ZONING FROM: SF-3-NP

TO: GR-MU-V-CO-NP*

The applicant's original request was CS-MU-V-CO-NP. Ron Thrower modified the requested rezoning on April 22, 2008. Please see attached email.

REQUESTED CONDITIONAL OVERLAY:

The conditional overlay shall prohibit the following uses: pawn shop services, commercial blood plasma center, and all automobile-related uses.

SUMMARY 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 prohibit pawn shop services, commercial blood plasma centers, and all auto-related uses (auto rentals, auto repair services, auto sales, auto washing, and vehicle storage).

Additionally per the recommendations of the Neighborhood Traffic Analysis, staff recommends a 500 vehicle trip / day limit on the property.

Note: The applicant would like to add a provision in the ordinance to remove the trip limitation if a traffic impact analysis (TIA) is done at the time of site plan. Staff disagrees with this request.

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:

March 13, 2008 - Planning Commission passed staff recommendation of GR-MU-V-CO-NP.
[Vote 8-0]

Note: The motion did not include the request to remove the trip limitation if a TIA is done at the time of site plan. Mr. Thrower did make that request during the public hearing.

DEPARTMENT COMMENTS:

The 0.342-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 GR-MU-V-CO-NP to allow for the potential use of a vertical mixed-use building.

The subject property, Fort Magruder 3C, takes both ingress and egress access from Dunlap St. and could potentially take access to the E Ben White service road. Directly across the street, to the north, are single-family residences zoned SF-3-NP. To the west and east are existing single-family residences.

After meeting with the Dawson Neighborhood Association, the applicant modified his rezoning request to GR-MU-V-CO-NP (community commercial – mixed use – vertical mixed use overlay – conditional overlay – neighborhood plan) combining district zoning, which coincides with the staff recommendation.

The subject property, Fort Magruder 3C, is part of a group of four related rezoning cases filed by Mr. Ron Thrower on the same block (See attached map). All of the subject properties currently have “Mixed-Use” as the land use designation on the Future Land Use Map.

The Planning Commission initiated a neighborhood plan amendment from single-family to mixed-use for 3900 Wadford Street (located at the southeast corner of the intersection of Wadford St. and Dunlap St.) at the request of the current property owner. The property owner, Mr. Sanchez, has since stated he no longer wishes his land use to be changed at this time.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family Residences
<i>North</i>	SF-3-NP	Single-Family Residences
<i>South</i>	N/A	US Highway
<i>East</i>	SF-3-NP; SF-3-NP (Request for GR-MU-V-CO-NP and CS-MU-V-CO-NP)	Single-Family Residences; Undeveloped
<i>West</i>	SF-3-NP; SF-3-NP (Request for GR-MU-V-CO-NP)	Single-Family Residences

AREA STUDY: Dawson Neighborhood Planning Area

TIA: Neighborhood Traffic Analysis – See Attached Results

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; M. 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: Pending**ACTION:** N/A**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.

While the requested rezoning applications are consistent with the adopted future land use map, staff feels it is important to note that the subject properties may be redeveloped independent of one another, which could result in commercial uses directly adjacent to existing single-family residences.

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 properties are located on a block fronting the service road for US Highway 290, 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

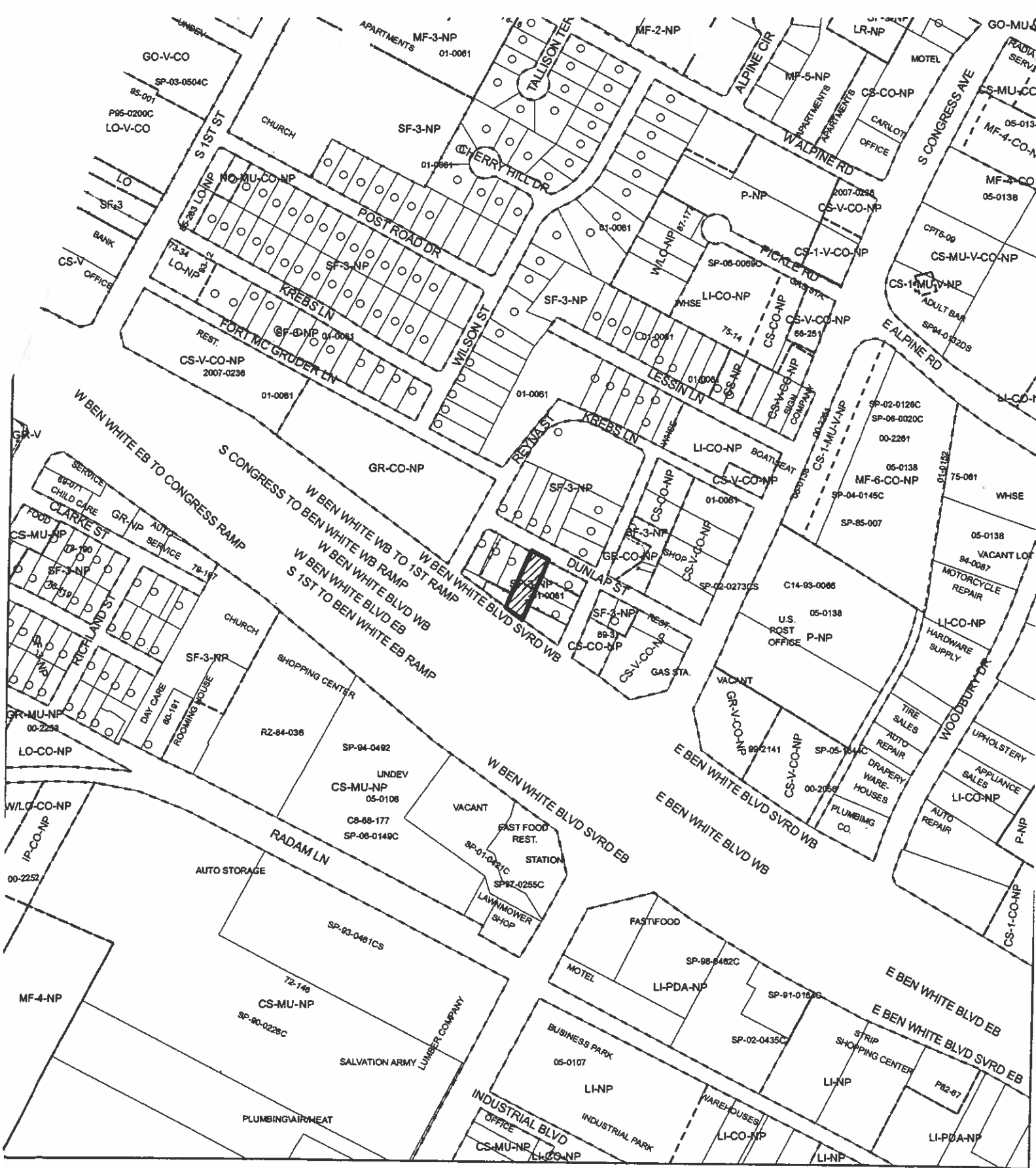
A Neighborhood Traffic Analysis may be required to be performed for this project by the Transportation Review staff. Please contact this reviewer for further information. LDC, Sec. 25-6-114.

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.



ZONING

ZONING CASE#: C14-2008-0074
 ADDRESS: 207 DUNLAP ST
 SUBJECT AREA: 0.289 ACRES
 GRID: H18
 MANAGER: R. LEVINSKI


-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

" = 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.



An aerial photograph of a residential area with several property boundaries outlined in green and red. A purple callout box points to a specific property. The map includes street names: WADFORD, DUNLAP, BEN WHITE WB TO 1ST, WHITE BL, and WHITE. A yellow callout box contains the following text:

C14-2008-0074
Fort Magruder 3C
207 Dunlap St.
From: SF-3-NP
To: GR-MU-V-CO-NP

WADFORD

DUNLAP

BEN WHITE WB TO 1ST

WHITE BL

WHITE

WHITE

C14-2008-0074
Fort Magruder 3C
207 Dunlap St.
From: SF-3-NP
To: GR-MU-V-CO-NP



WADFORD

REYNA

WHITE BLVD

WHITE

WHITE

WHITE WB TO 1ST
WHITE WB TO 1ST
WHITE WB TO 1ST
WHITE WB TO 1ST

3C

3A

3B

3D

APPLICANT REQUEST

C14-2008-0074
Fort Magruder 3C
207 Dunlap St.

From: SF-3-NP
To: GR-MU-V-CO-NP

C14-2008-00702
Fort Magruder 3A
3902 & 3904 Wadford St.

From: SF-3-NP
To: 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

C14-2008-0084
Fort Magruder 3B
3906 Wadford St.

From: SF-3-NP

To: CS-MU-V-CO-NP

DUNLAP

WHITE BLVD

W BEN WHITE WB TO 1ST

S CONGRESS TO BEN

WHITE

3C

3A

3B

3D

WADFORD

STAFF RECOMMENDATION

C14-2008-0074
Fort Magruder 3C
207 Dunlap St.

From: SF-3-NP
To: 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

C14-2008-00702
Fort Magruder 3A
3902 & 3904 Wadford St.

From: SF-3-NP
To: GR-MU-V-CO-NP

C14-2008-0084
Fort Magruder 3B
3906 Wadford St.

From: SF-3-NP
To: GR-MU-V-CO-NP

3D

3C

3A

3B

DUNLAP

WHITE BLVD

W BEN WHITE WB TO 1ST

S CONGRESS TO BEN

WHITE

WADFORD

Levinski, Robert

From: Ron Thrower [Ron@throwerdesign.com]
Sent: Tuesday, April 22, 2008 10:21 AM
To: Levinski, Robert
Subject: Fort Magruder 3 rezoning

Bobby,

Please accept this email as a formal change to the applications for rezoning properties styled as Fort Magruder 3A, 3C and 3D. The request is changed from "CS-MU-V-CO-NP" to "GR-MU-V-CO-NP" with our request to prohibit Pawn Shop Services and staff's recommendations for prohibited uses of automobile related uses.

Fort Magruder 3B is to proceed under the current request of "CS-MU-V-CO-NP" with Pawn Shop Services, Commercial Blood Plasma Centers, AOB and Automobile related uses as prohibited.

Thanks for reminding me of this.

Ron Thrower

Thrower Design

4608-A South Lamar Blvd.
Austin, Texas 78745
512/476-4456
512/476-4454 fax

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5/7/2008

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: C14-2008-0074

Contact: Robert Levinski, 512-974-1384

Public Hearing:

May 13, 2008 Planning Commission

☒ I am in favor
☐ I object

GLADYS LONG
Your Name (please print)

3906 WADFORD
Your address(es) affected by this application

Gladys A. Long
Signature

5-3-08
Date

Comments:

I ask for your
support in this
re-zoning

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Robert Levinski
P. O. Box 1088
Austin, TX 78767-8810

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

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Case Number: C14-2008-0074

Contact: Robert Levinski, 512-974-1384

Public Hearing:

May 13, 2008 Planning Commission

Mike Colonna

Your Name (please print)

313 Dunlap St.

Your address(es) affected by this application

M.H.C. #

Signature

Date

5-2-08

Comments: *Please vote to change the*

zoning on this property. It is along

Ben White. This property is perfect

for commercial zoning. We should

make good decisions when changing

zoning, this is ideal for it.

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Levinski

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Case Number: C14-2008-0074

Contact: Robert Levinski, 512-974-1384

Public Hearing:

May 13, 2008 Planning Commission

Jennifer Muerbe

Your Name (please print)

206 Ovnlap

Your address(es) affected by this application

Jan Miller

Signature

Date

5/5/08

Comments:

I am in favor of this
Change in zoning.

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Levinski

P. O. Box 1088

Austin, TX 78767-8810

Received Time: May 5, 2008 2:57 PM No. 0424

PUBLIC HEARING INFORMATION

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WIDE VIEW

05 08 11:42a

Jim Lacey

512-440-7449

P. 1

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: C14-2008-0074

Contact: Robert Levinski, 512-974-1384

Public Hearing:

May 13, 2008 Planning Commission

James H Lacey

Your Name (please print)

207 Dunlap Austin TX 78704

Your address(es) affected by this application

5/5/08

Date

Signature

Comments:

The property in question ~~has~~ about 600,000 sq ft of land. It is currently zoned as an SF and is in a residential area. The zoning as an SF is ridiculous.

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Levinski

P. O. Box 1088

Austin, TX 78767-8810



MEMORANDUM

TO: Robert Levinski, Case Manager
CC: Ron Thrower
FROM: Amber Mitchell, Senior Planner
DATE: May 8, 2008
SUBJECT: Neighborhood Traffic Analysis for Wadford Street
Zoning Case: Fort Magruder 3C C14-2008-0074

The Transportation Section has performed a neighborhood traffic impact analysis for the above referenced case and offers the following comments.

The site is located in south Austin near the intersection of SH 71 and South Congress Avenue. Currently zoned Family Residential Neighborhood Plan (SF-3-NP), the request is for Commercial Services Vertical Mixed Use (CS-MU-V-CO). The applicant proposes a mixed-use development. Surrounding the tract to the north is single family and commercial development; to the south is commercial, to the west is single family; and to the east is commercial. This analysis considers three other area cases that are being considered for rezoning at the same time.

Roadways

Dunlap Street forms the northern boundary of this site and is classified as a local street with 50 feet of right-of-way and 28 feet of pavement. According to Section 25-6-114 of the Land Development Code, Dunlap is considered a local street because at least 50 percent of the frontage within 1,500 feet of the subject tract has an urban family residential district (SF-5) or more restrictive zoning designation.

Trip Generation and Traffic Analysis

Based on the ITE's publication Trip Generation, and assuming the sites develop to the maximum intensity allowed under the proposed zoning classification (without consideration of setbacks, environmental constraints or other site characteristics) the proposed development at the time of site plan may generate an approximate average of 2,775 (vpd) per site. However, the applicant has agreed to a conditional overlay of **500 trips** for each site. The trip generation for the subject tract is summarized in Table 1.

Table 1. Trip Generation		
LAND USE	SIZE	VPD
Mixed-Use	Not determined	500
TOTAL		500

Table 2 represents the expected percentage and vehicle distribution (in parenthesis) of trips for this site as well as the three other area cases being considered at this time:

Zoning Case	Wadford	Reyna	Dunlap	Ben White Blvd	Total VPD
C14-2008-0072 (3A)	100% (500)				500
C14-2008-0084 (3B)	50% (250)			50% (250)	500
C14-2008-0074 (3C)			50% (250)	50% (250)	500
C14-2008-0073 (3D)		50% (250)	50% (250)		500

Table 3 represents a breakdown of background traffic*, proposed site traffic, and total traffic after development along Wadford, Reyna, and Dunlap Streets.

Street	Pavement Width (Ft)	Maximum Desirable Volume (vpd)	Background Traffic (vpd)*	Proposed Site Traffic (vpd)	Overall Traffic (vpd)
Wadford Street	28	1,200	6	750	756
Reyna Street	30	1,800	439	250	689
Dunlap Street	28	1,200	231	500	731

*Background traffic includes current traffic levels as well as recently approved zoning cases and zoning cases under consideration that could increase traffic on the streets under study.

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential local or collector street with a pavement width of less than 30' should carry 1,200 vehicles per day or less and a residential local or collector street with a pavement width between 30' and 40' should carry up to 1,800 vehicles per day.

Conclusions

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.
2. Currently, Dunlap Street operates at a desirable level and will continue to operate at a desirable level with the addition of site traffic from the proposed development.
3. Staff recommends that this site be limited through a conditional overlay to 500 trips per day.
4. Should a driveway to Ben White Blvd be approved by TxDOT for this location, staff recommends requiring joint access with the adjacent tract (zoning case C14-2008-0084, 3B).

If you have any questions or require additional information, please contact me 974-3428.


Amber Mitchell

Sr. Planner ~ Transportation Review

Watershed Protection and Development Review Department