

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0148 – 1410 West Ben White Blvd.

**P.C. DATE:** September 23, 2008

**C.C. DATE:** October 23, 2008

**ADDRESS:** 1410 West Ben White Boulevard

**AREA:** 0.41 acres

**OWNER/APPLICANT:** Cothron Partnership No. 2 LTD (Olen Cothron)

**AGENT:** The Austin Company (Peter von Wupperfeld)

**ZONING FROM:** GR

**ZONING TO:** CS

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the applicant's request to rezone the subject property to CS-CO (Commercial Services – Conditional Overlay) zoning to allow the district zoning to conform to the existing uses. The conditional overlay will limit the allowable vehicle trips per day to 2000.

**PLANNING COMMISSION RECOMMENDATION:** Approved on consent, all 3 readings 9/23/2008 (8-0, Hui absent).

### **DEPARTMENT COMMENTS:**

The property is currently developed with a truck rental business and zoned GR (Community Commercial). There are single family houses to the north and office, commercial and retail uses to the east and west. The property has frontage on Ben White Boulevard. The applicant would like to rezone the property to CS (Commercial Services) zoning to allow for equipment sales on the property.

### **ISSUES:**

The auto repair in the rear of the property is a non-conforming use with the rental business in the front under the current GR (Community Commercial) zoning. The zoning change will allow the property to comply with its existing uses of equipment sales and truck rental with CS (Commercial Services) zoning.

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]

The staff is recommending a 2,000 trip limit to the base district zoning, which is incorporated into the ordinance.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR	Truck Rental
<i>North</i>	SF-3	Single Family
<i>South</i>	GR-V, CS-V	Restaurants, Automotives Repair, Commercial Services
<i>East</i>	CS	Tile Company, Plumbing Company
<i>West</i>	GR, CS-1	Auto Parts, Billiards

**AREA STUDY:** South Lamar Planning Area**TIA:** Waived**WATERSHED:** West Bouldin Creek Watershed**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Homeless Neighborhood Association  
Austin Neighborhoods Council  
Home Builders Association of Greater Austin  
Far South Austin Community Association  
Southwood Neighborhood Association  
North Southwood Neighborhood Association  
Barton Springs/Edwards Aquifer Conservation District  
South Lamar Neighborhood Association  
Austin Parks Foundation  
Onion Creek Homeowners Association




**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-71-272 1401 Morgan Lane	From 'A' Residence, First Height and Area to 'O' Office, First Height and Area	N/A	9/23/76 APVD All 3 RDGS
C14-03-0088 1704 Fort View	From SF-3 to CS (Vehicle Storage)	7/15/03 APVD CS-CO (7-1, CH-NO)	9/25/03 APVD CS-CO (7-0) W/O REQUIRING ZAP REC OF R.C.; ALL 3 RDGS
C14P-75-054	Permit for Tire Storage	N/A	11/11/75 APVD Permit for Tire Storage



# ZONING EXHIBIT A



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE#: C14-2008-0148  
 ADDRESS: 1410 W BEN WHITE BLVD  
 SUBJECT AREA: 0.41 ACRES  
 GRID: G19  
 MANAGER: C. PATTERSON

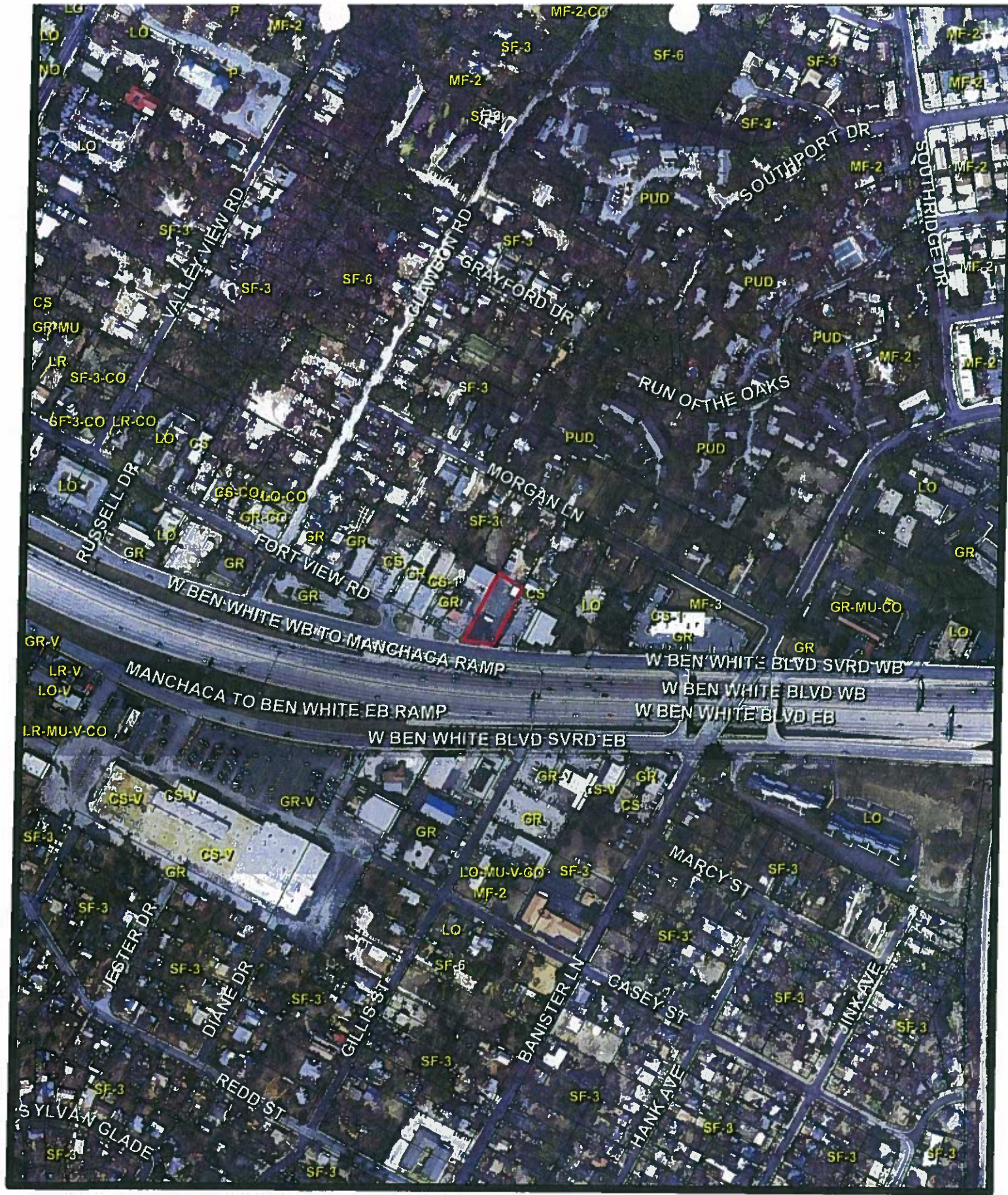
OPERATOR: S. MEEKS



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.





**C14-2008-0148 1410 West Ben White Boulevard**  
**From GR (Community Commercial) to CS (Commercial Servies)**



## **BASIS FOR RECOMMENDATION**

1. *Granting of the request should result in an equal treatment of similarly situated properties, and the rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The property is surrounded by commercial services and community commercial zoning categories and is adjacent to a major highway.

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 property takes immediate access to the service road of a major US highway, where more intense uses are appropriate. CS zoning provides an appropriate use alongside this major thoroughfare.

## **EXISTING CONDITIONS**

### **ENVIRONMENTAL**

#### **Impervious Cover**

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

Note: The most restrictive impervious cover limit applies.

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

### **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.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **TRANSPORTATION:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Ben White Blvd	350	MAD 6	Arterial	Yes; both sides	328	Priority 2

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]

### **Right of Way**

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

### **SITE PLAN**

The site is subject to compatibility standards. Along the northern 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.
- 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.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

**CITY COUNCIL DATE:** October 23, 2008

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Stephen Rye

**PHONE:** 974-7604

[stephen.rye@ci.austin.tx.us](mailto:stephen.rye@ci.austin.tx.us)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1410 WEST BEN WHITE BOULEVARD FROM COMMUNITY COMMERCIAL (GR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-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 community commercial (GR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-2008-0148, on file at the Neighborhood Planning and Zoning Department, as follows:

The east 87.125 feet of Lot 5, less 0.059 acres and southeast 87'x106' of Lot 12, Bannister Heights Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 3, Page 256, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 1410 West Ben White Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

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



1  
2 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2008.  
3

4  
5 **PASSED AND APPROVED**  
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7  
8  
9 \_\_\_\_\_, 2008

§  
§  
§

10 Will Wynn  
11 Mayor  
12

13  
14 **APPROVED:** \_\_\_\_\_

15 David Allan Smith  
16 City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk