

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0007 – Regency Nursing &
Rehabilitation Center

Z.A.P. DATE: April 7, 2009

ADDRESS: 9901 South 1st Street

OWNER: BDDDB 27, Ltd.
(Chris Ellis)

AGENT: Armbrust & Brown L.L.P.
(Richard T. Suttle, Jr.)

ZONING FROM: SF-6

TO: MF-4

AREA: 3.356 acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant multi-family residence (moderate high density) – conditional overlay (MF-4-CO) combining district zoning. The Conditional Overlay limits the height to 40 feet.

The Restrictive Covenant addresses an update to the Traffic Impact Analysis prepared for C14-05-0171 and a waiver for additional TIA requirements by the Transportation Review Staff of the Watershed Protection and Development Review Department, dated March 12, 2009.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 7, 2009: *APPROVED MF-4-CO DISTRICT ZONING WITH A RESTRICTIVE COVENANT THAT UPDATES THE TRAFFIC IMPACT ANALYSIS, AS STAFF RECOMMENDED; BY CONSENT.*

[K. JACKSON; D. TIEMANN – 2ND] (7-0)

ISSUES:

Comments response forms in opposition to the proposed rezoning are attached at the back of the Staff report.

The subject property is part of an approved Traffic Impact Analysis prepared for C14-05-0171 – The Grove at Southpark Meadows. The property will be entered into a Restrictive Covenant that updates the original 2005 TIA and waives any additional TIA requirements. The proposed convalescent services development generates significantly less traffic than the residential/condominiums originally envisioned for this property. Please refer to Attachment A.

DEPARTMENT COMMENTS:

The subject property is located at the southwest corner of South 1st Street and a joint use access easement that extends to the southbound frontage road of IH 35, is undeveloped and

zoned townhouse and condominium residence (SF-6) district by a 2005 case. There is SF-4A zoned property under construction to the north, undeveloped SF-6 zoned property to the east, apartments to the south (GR-MU-CO) and single family residences across South 1st Street to the west (SF-2). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).

The Applicant has proposed to rezone the property to the MF-4 district in order to construct a one-story, 129-bed convalescent services facility. The convalescent services use is first permitted in the MF-3 zoning district. The Applicant has worked with Staff to reduce the height allowed by the zoning to 40 feet. Please refer to Exhibits C and D (Conceptual Site Plan and the development plan for the Grove at Southpark Meadows). Staff supports the Applicant's request as the convalescent services use is compatible with the single family residences to the north and west, adjacent SF-6 property to the east and the apartments zoned GR-MU-CO to the south.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-6	Undeveloped
<i>North</i>	SF-4A	Single family residences under construction
<i>South</i>	GR-MU-CO	Apartments
<i>East</i>	SF-6	Undeveloped
<i>West</i>	P; SF-2	Mary Moore Searight Park; Single family residences in the Oak at Twin Creek subdivision

AREA STUDY: N/A

TIA: Is not required – Please refer to Attachment A

WATERSHED: Slaughter Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 499 – Park Ridge Owners Association 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation 1164 – Austin Southwest Association
 1168 – E-mail Notification Test Group

SCHOOLS:

Williams Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0014 – Harrell Tract – 9900 South 1 st Street	I-RR to SF-2	To Grant SF-2 with conditions of the Traffic Impact Analysis	Approved SF-2 with a Restrictive Covenant for the conditions of the TIA (5-12-05).
C14-04-0124 – Harrell Tract #1 – 10116 South IH 35 Service Road Southbound; 9800-10000 South 1 st Street	I-RR to GR	To Grant GR-MU-CO for Tract One-A; CS-CO for Tract One-B, with the CO for prohibited uses on both tracts, with the conditions of the Traffic Impact Analysis	Approved GR-MU-CO for Tract One-A; CS-CO for Tract One-B with a Restrictive Covenant for the conditions of the TIA (12-2-04).

RELATED CASES:

The subject property is a portion Tract 3 and part of a total of five tracts zoned as part of the The Grove at Southpark Meadows case approved by City Council on May 18, 2006 (C14-05-0171).

The property represents a portion of Lot 27, Block A of the Amended Plat of Lots 15 and 22-26 Block A and Lot 1, Block B Southpark Meadows Subdivision recorded in August 15, 2007 (C8-06-0261.0A). Please refer to Exhibit B (Amended Plat). As shown in Exhibit C, a conceptual site plan for convalescent services use has been submitted to Staff (SP-2009-0014C).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
South 1 st Street	120 feet	2 @ 30 feet	Arterial	7,397 (COA, 11/13/2006)

- There are existing sidewalks along South 1st Street.
- South 1st Street is classified in the Bicycle Plan as a Priority 2 bike route.
- Capital Metro bus service (route no. 201) is available along South 1st Street.

CITY COUNCIL DATE: May 14, 2009**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:**

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

PHONE: 974-7719

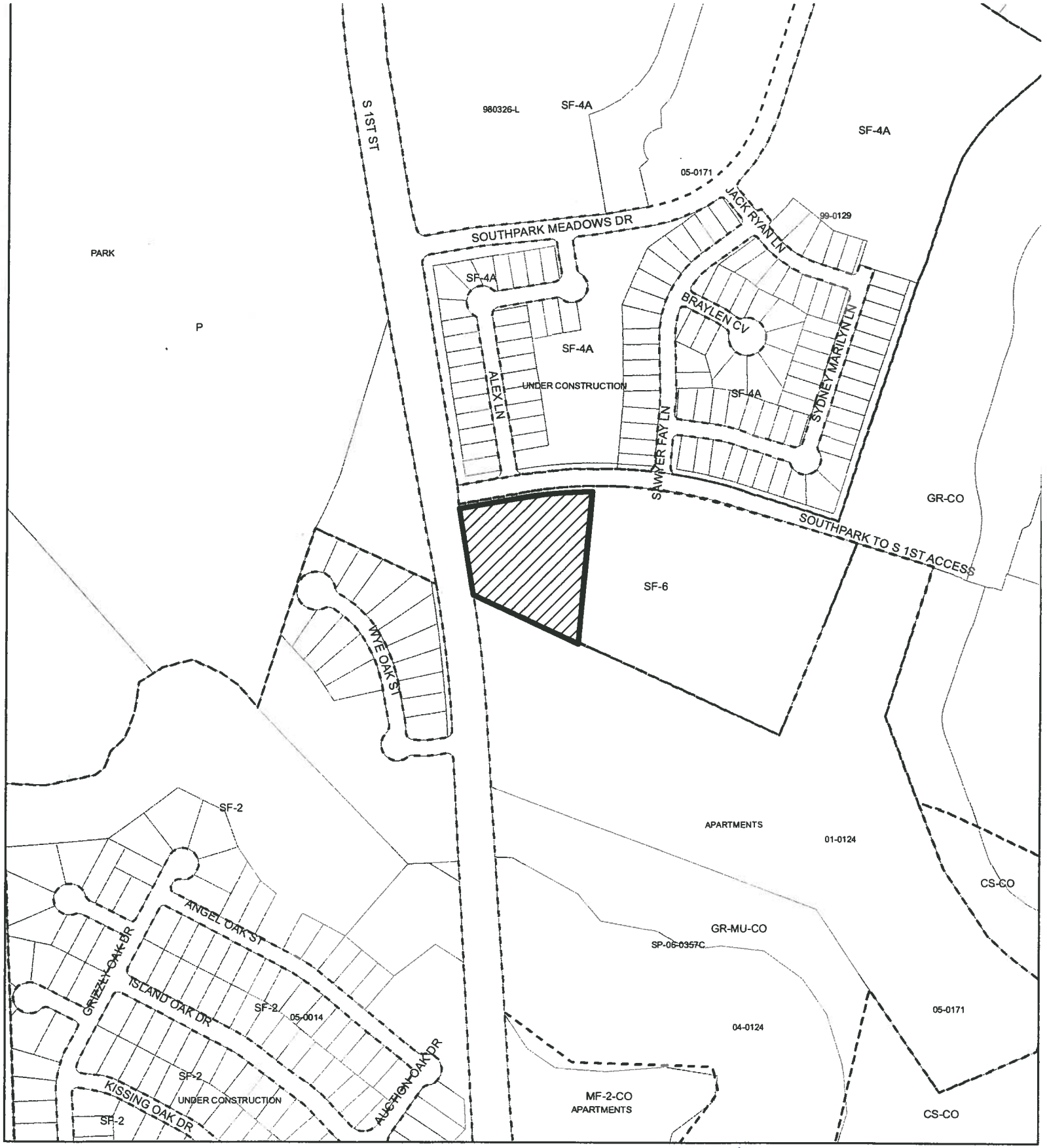


EXHIBIT A


 **SUBJECT TRACT**
 **ZONING BOUNDARY**
 **PENDING CASE**
OPERATOR: S. MEEKS

ZONING
ZONING CASE#: C14-2009-0007
ADDRESS: 9901 S 1ST ST
SUBJECT AREA: 3.356 ACRES
GRID: F13
MANAGER: W. RHOADES



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.



SF-4A

980326-L

SOUTHPARK MEADOWS DR

SF-4A

05-0171

WACKYAN LN

99-0123

WACKYAN CV

SF-4A

SF-4A

UNDER CONSTRUCTION

ALEX LN

SAWYER FAY LN

SYDNEY MARILYN LN

SF-4A

GR-CO

SOUTHPARK TO S 1ST ACCE

SF-6

W OAK ST

198715 FSI H1705

SF-2

APARTMENTS

01-0124

CS-

GR-MU-CO

SP-09-0357C

05-0171

04-0124

N

CS-CO

MF-2-CO

APARTMENT

EXHIBIT A-1

SF-2

UNDER CONSTRUCTION

SF-2

SF-2 05-0014

ISLAND OAK DR

ISLAND OAK DR

A RESECTION OF LOT 2, SLAUGHTER • CULLEN COMMERCIAL, LOTS 12, 14 AND 16, TOM F. DUNN-HOO SUBDIVISION AND 256.975 ACRES OWNED BY 8P MEADOWS CENTRAL, LTD., AND 122.668 ACRES OWNED BY ABEL J. AND MARTY ANN THEROT FALLY LIMITED PARTNERSHIP



PHOTOGRAPHIC MYLAR

EXHIBIT B
RECORDED PLAT

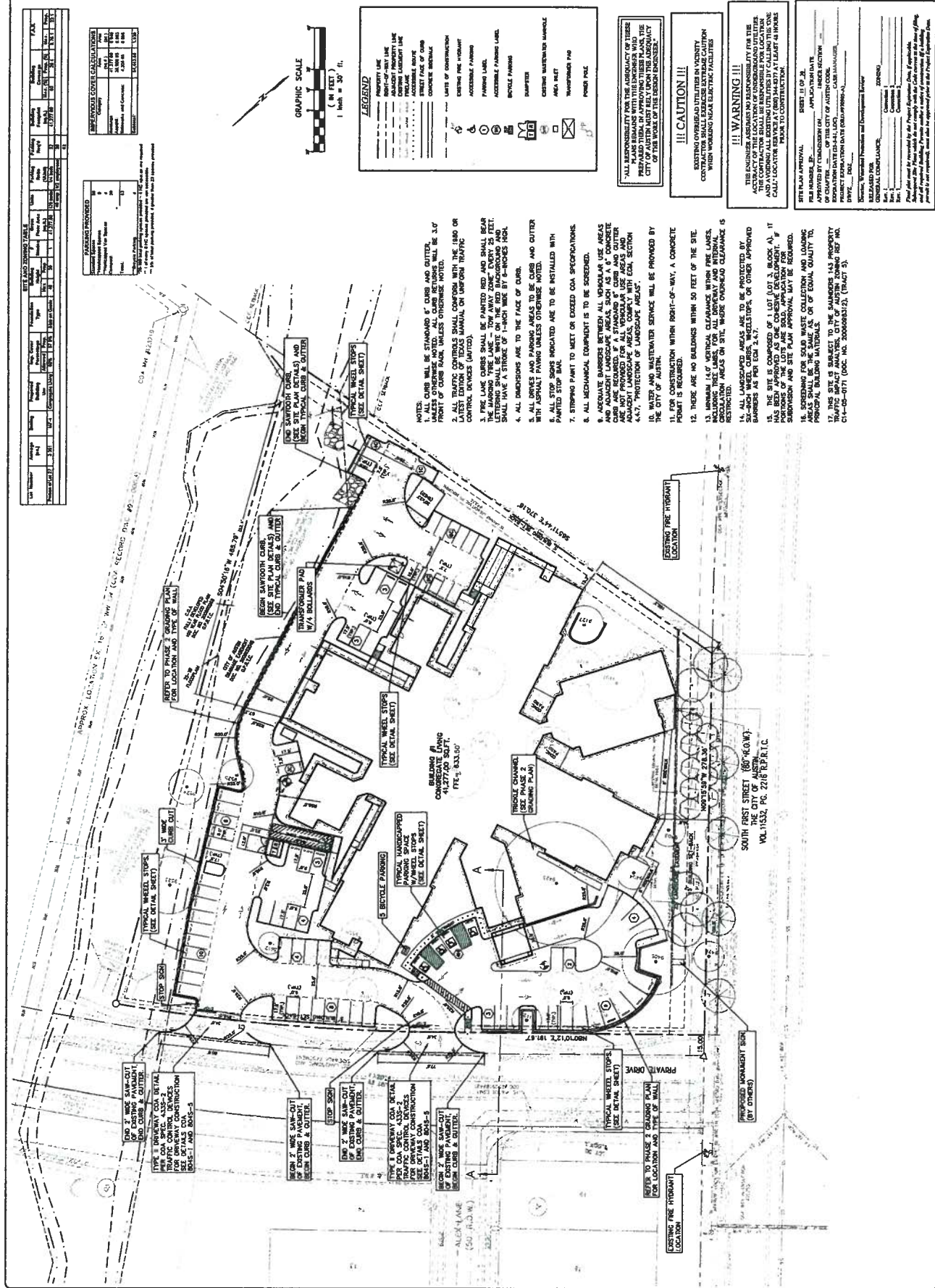


EXHIBIT C
CONCEPTUAL SITE PLAN



TRANSPORTATION IMPACT ANALYSIS WAIVER

Applicant: Leslie Stengele
HDR|WHM Transportation Engineering
504 Lavaca Street, #1175
Austin, Texas 78701

Phone No.: (512) 904-3700
Fax No.: (512) 904-3773

Project Name: Regency Nursing & Rehabilitation Center @ Southpark Meadows
Project Location: 9901 South 1st Street
Case No.: C14-2009-0007

Waiver(s) Requested: Waiver from Traffic Impact Analysis Requirements

Response: TIA Update Waiver Approved.

Conditions/Comments:

This site is subject to a restrictive covenant recorded for the zoning case known as The Grove at Southpark Meadows (Aka Saunders 143), City of Austin Case No. C14-05-0171. A Traffic Impact Analysis was approved for Saunders 143 in support of the zoning application. This zoning case proposes a change to the land use and intensity assumed in the Saunders 143 as summarized below.

Table 1. Unadjusted Daily and Peak Hour Trip Generation							
Currently Approved Land Uses – Tract 2							
LAND USE	ITE Code	Size	ADT	AM Peak		PM Peak	
				Enter	Exit	Enter	Exit
Residential Condo/Townhouse	230	178 DU	1,048	14	68	65	32
Proposed Land Uses – Tract 2							
Congregate Care Facility	253	60 DU	121	2	1	5	5
Remaining			927	12	67	60	27

A TIA update waiver is granted since the changes to the land use and intensity resulted in a decrease in peak hour trips and adjusted daily trips from the land use and intensity assumed in the Saunders 143 TIA for this tract.

If you have any questions or require additional information, please contact me at 974-2788.


Candace Craig
Sr. Planner ~ Transportation Review Staff
City of Austin - Watershed Protection
and Development Review Department

March 12, 2009

Date

ATTACHMENT A

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant multi-family residence (moderate high density) – conditional overlay (MF-4-CO) combining district zoning. The Conditional Overlay limits the height to 40 feet.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The multi-family residence – moderate / high density (MF-4) district is intended for residential and multi-family use with a maximum density of up to 54 units per acre, depending on unit size and mix. This district is appropriate for multi-family residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas. The property has frontage on South 1st Street.

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

Staff supports the Applicant's request as the convalescent services use is compatible with the single family residences to the north and west, adjacent SF-6 property to the east and the apartments zoned GR-MU-CO to the south.

EXISTING CONDITIONS**Site Characteristics**

The subject property is undeveloped and slopes to the east, towards the fully developed 100-year flood plain that extends in a north-south direction, close to the east property line.

Impervious Cover

The maximum impervious cover allowed by the MF-4 zoning district is 60%, a figure based on the more restrictive watershed regulations described below. The amount of impervious cover on the conceptual site plan is 57.9%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Slaughter 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 a floodplain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Transportation

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

The traffic impact analysis for this zoning case is waived because this tract is part of The Grove at Southpark Meadows (Aka Saunders 143), City of Austin case number C14-05-0171, which has an associated, approved TIA, and the vehicle trips generated by the proposed use fall below the assumptions in the TIA. If the zoning is granted, this tract will have to enter into a restrictive covenant tying it to the balance of the remaining Saunders 143 zoning site. The tracts will be limited cumulatively to the total trips allowed in the previously approved TIA.

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

Site Plan and Compatibility 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.

The site is subject to compatibility standards. Along the north 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

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: C14-2009-0007

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

April 7, 2009 Zoning and Platting Commission

May 14, 2009 City Council

☐ I am in favor
☒ I object

Tommy & Eva Tatum

Your Name (please print)

424 Island Oak Dr. Austin TX 78748

Your address(es) affected by this application

Signature

Date

Comments:

There are too many multi-family
dwellings in this area.
It will affect our property value,
therefore we are strongly
against this Re-zoning
proposal.

Please Do NOT Build more
multi-homes

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

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Public Hearing:

April 7, 2009 Zoning and Platting Commission

May 14, 2009 City Council

☐ I am in favor
☒ I object

John K. Ribble Jr.

Your Name (*please print*)

316 Angel Oak St., Austin TX 78748

Your address(es) affected by this application

John K. Ribble Jr.

Signature

3/31/09

Date

Comments: **A TREMENDOUS number of**

apartments have been built & are being

built in the immediate & nearby

neighborhoods. Traffic has increased

dramatically in the last 2 years. Terrible

on slaughter, S. First, Congress, Manchaca,

I-35. Increasing density in this area is

a horrible idea. It will finish any hope

of a real neighborhood ever existing.

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

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Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

April 7, 2009 Zoning and Platting Commission

May 14, 2009 City Council

☐ I am in favor
☒ Object

Michael D. + Juanita Morales

Your Name (please print)

417 Mock Cherry Cv 78748

Your address(es) affected by this application

Juanda Morah 3/30/09

Signature

Date

Comments:

We strongly object to the rezoning

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