

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0129
709 West 22nd Street Rezoning

P. C. DATE: 10-10-2009

ADDRESS: 709 West 22nd Street

AREA: 0.02 acres

APPLICANT: West Campus Partners III, L.P.
(Gary Mefford)

AGENT: Thrower Design
(Ron Thrower)

NEIGHBORHOOD PLAN AREA: West University

CAPITOL VIEW: No

T.I.A.: Waived – See the Transportation Reviewer's comment's. **HILL COUNTRY ROADWAY:** No

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: MF-4-NP – Multi-Family Residence, Moderate-High Density, Neighborhood Plan

ZONING TO: CS-1-NP – Commercial Services, Liquor Sales, Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

Staff recommends CS-1-CO-NP: Commercial Services, Liquor Sales – Conditional Overlay-Neighborhood Plan. The CS-1 zoning will be for the footprint and extend from the ground up to a height of sixteen feet (16').

DEPARTMENT COMMENTS:

This structure is a five story apartment building with first floor retail space along the Pearl and 22nd Street frontages. Under the University Neighborhood Overlay District Requirements, Section § 25-2-754, Use Regulations states that "up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path." The applicant is requesting CS-1, Commercial Services, Liquor Sales in order to open a liquor store. The applicant has agreed to prohibit all other CS-1 uses that do not comply with Section § 25-2-753 Definitions; Local Uses Described. The following uses would be prohibited –

Ag. Sales & Services
Automotive Rentals
Automotive Repair
Automotive Sales
Automotive Washing
Building Maintenance Services
Business Support Services
Campground

Commercial Off-Street Parking
Communication Services
Construction Sales and Services
Convenience Storage
Drop Off Recycling
Electronic Prototype Assembly
Equipment Repair Services
Equipment Sales

Exterminating Services
 Funeral Services
 Hotel – Motel
 Indoor Entertainment
 Kennels
 Laundry Services
 Medical Office (exceeding 5,000 sq. ft.)
 Off-Site Accessory Parking
 Outdoor Sports & Recreation
 Pawn Shop Services
 Plant Nursery
 Professional Office
 Research Services
 Service Station
 Software Development
 Vehicle Storage
 Veterinary Services
 College & University Facilities
 Communication Services
 Community Recreation (private)
 Community Recreation (public)

Congregate Living
 Counseling Services
 Cultural Services
 Family Home
 Group Home Class I (General)
 Group Home Class II (Limited)
 Group Home Class II
 Guidance Services
 Hospital Service (Limited)
 Local Utility Services
 Maintenance & Service Facilities
 Private Primary Educational Facilities
 Private Secondary Educational Facilities
 Public Primary Educational Facilities
 Public Secondary Educational Facilities
 Residential Treatment
 Safety Services
 Limited Warehousing & Distribution
 Cocktail Lounge
 Adult Oriented Businesses

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for CS-1-CO-NP zoning; was approved by Commissioner Jay Reddy's motion, Commissioner Mandy Dealey second the motion on a vote of 7-0; Commissioner Dave Anderson was off dais; 1 vacancy on the Commission.

BASIS FOR RECOMMENDATION:

1. The proposed zoning should be consistent with the goals and objectives of the City Council.

Granting the requested CS-1 zoning would allow this property, which was developed with the University Neighborhood Overlay standards, to utilize the ground floor retail space, thereby encouraging vertical mixed use development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	MF-4-NP	Ground Floor Retail/Multi-Family Above
NORTH	MF-4-NP	Ground Floor Retail/Multi-Family Above
SOUTH	MF-4-NP	Multi-Family
EAST	MF-4-NP	Ground Floor Retail/Multi-Family Above
WEST	MF-4-NP	Multi-Family

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-89-0040	From GO-H to GO-MU-H	Approved GO-MU-H [Vote: 7-0]	Approved GO-MU-H [Vote: 7-0]
C14-95-0019	From MF-4 to GO-MU	Approved GO-MU [Vote: 7-0]	Approved GO-MU [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assn.
- Georgian HOA
- Sentral Plus East Austin Koalition
- CANPAC
- Original West University N.A.

SCHOOLS:

Bryker Elementary School
O' Henry Middle School
Austin High School

SITE PLAN:

No Comments

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.

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

TRANSPORTATION:

TR1: Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
West 22 nd Street	60'	30'	Collector	2093 (COA, 2/10/03)
Pearl Street	60'	27'	Collector	1309 (COA, 05/09/07)

TR2: No additional right-of-way is needed at this time.

TR3: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

TR4: There are existing sidewalks along West 22nd Street, and there are no existing sidewalks along Pearl Street.

TR5: According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are not proposed on Pearl Street or West 22nd Street.

TR6: Capital Metro bus service (route nos. 410 and 642-West Campus/UT) is available along West 22nd Street.

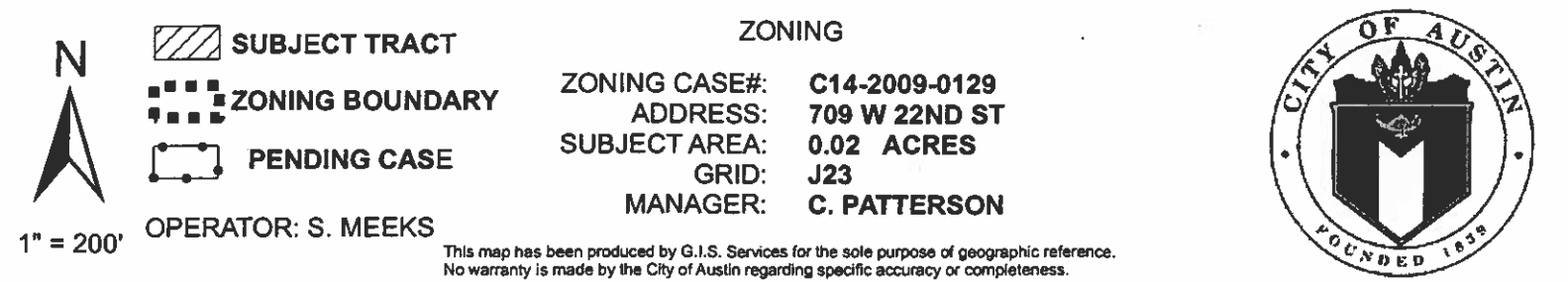
CITY COUNCIL DATE: December 17th, 2009

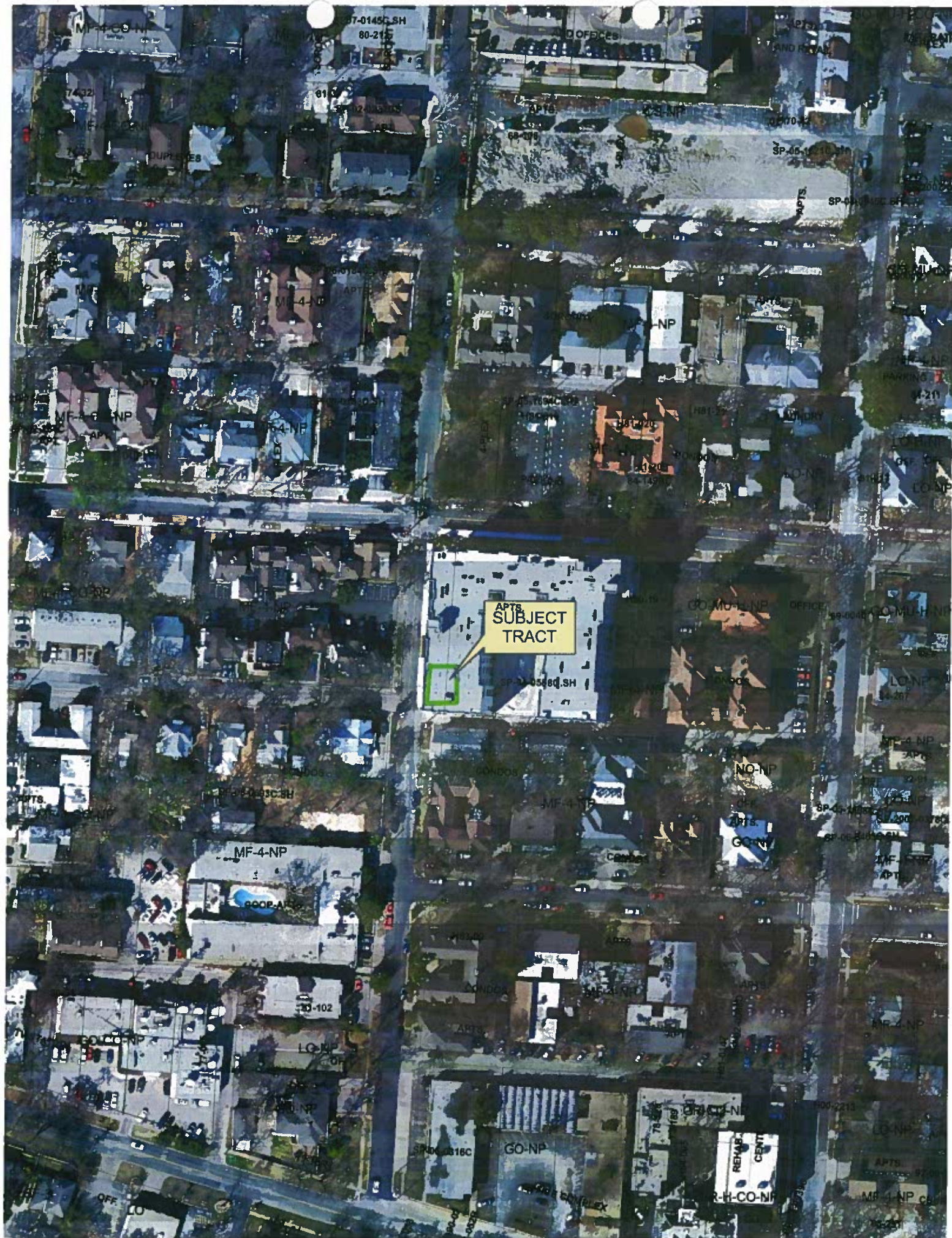
ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691





§ 25-2-753 DEFINITIONS; LOCAL USES DESCRIBED.

(A) In this division:

(1) **OCCUPANT SPACE** means space in a building used for a use other than a parking facility or a mechanical facility.

(2) **STREET WALL AREA** means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level:

(a) to a maximum height of 65 feet; or

(b) for an accessory parking structure, to a maximum height of two stories.

(B) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:

(1) administrative and business offices;

(2) art and craft studio;

(3) art gallery;

(4) art workshop;

(5) business and trade school;

(6) consumer convenience services;

(7) consumer repair services;

(8) counseling services;

(9) custom manufacturing;

(10) day care services (commercial, general, or limited);

(11) financial services;

(12) food preparation, in conjunction with food sales, general restaurant or limited restaurant accessory use;

(13) food sales;

(14) general retail sales (convenience or general);

(15) guidance services;

- (16) indoor sports and recreation;
- (17) medical offices (under 5,000 square feet);
- (18) personal improvement services;
- (19) personal services;
- (20) pet services;
- (21) printing and publishing services;
- (22) professional office;
- (23) religious assembly;
- (24) restaurant (general or limited);
- (25) theater; and
- (26) a conditional use in the base zoning district that is approved by the land use commission.

(C) A local use may not include a drive-through facility.

Source: Ord. 040902-58; Ord. 20050519-Z001; Ord. 20080925-039.

