

ZONING CHANGE REVIEW SHEET

CASE: C14-2011- 0037 – South 1st Retail

P.C. DATE: May 24, 2011

ADDRESS: 1601-1603 South 1st Street

OWNER/APPLICANT: Najib F. Wehbe

AGENT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: CS-MU-V-CO-NP

TO: CS-1-MU-V-CO-NP

AREA: 0.30 acres (13,068 ft²)

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of a footprint zoning for the intended square footage of liquor sales use under CS-1-MU-V-CO-NP (Commercial Services – Liquor Sales – Vertical Mixed Use- Conditional Overlay -Neighborhood Plan) district zoning.

PLANNING COMMISSION RECOMMENDATION: 5/24/11 - The Planning Commission approved the staff recommendation of CS-1-MU-CO-NP (6-0; Chimenti, Anderson absent).

DEPARTMENT COMMENTS: This 0.30 acre site is currently developed with several uses, including auto repair, an upholstery shop and retail sales. The applicant seeks to rezone the property for the addition of a liquor sales use. Staff recommends the request on the condition that the applicant define the boundaries of the intended use within the existing structure and provide field notes to the city. The resulting rezoning would be a footprint rezoning only of the current building and not the entire property. 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 also be limited through a conditional overlay to less than 2,000 vehicle trips per day.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-V-CO-NP	Auto repair, Consumer repair, General retail sales
<i>North</i>	CS-MU-V-CO-NP	Auto Sales
<i>South</i>	CS-MU-V-CO-NP	Office, Restaurant
<i>East</i>	CS-MU-CO-NP, SF-3	Auto Museum
<i>West</i>	CS-MU-V-CO-NP	Funeral Home

NEIGHBORHOOD PLAN: Bouldin Creek Neighborhood Plan

TIA: Waived

WATERSHED: East Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council
South Central Coalition
Bouldin Creek Neighborhood Association
Viewpoint Condominium Homeowners Association
Crossing Garden Homeowners Association

CASE HISTORIES

NUMBER	REQUEST	COMMISSION	COUNCIL
C14-02-0031	CS to CS-MU-CO- NP Bouldin Neighborhood Plan	Approved 3/27/02	Approved 5/23/02

BASIS FOR RECOMMENDATION

1. ***Zoning should allow for reasonable use of the property.***

The recommended zoning will allow the owner of the existing building to utilize the property for a retail liquor sales use.

2. ***Zoning changes should promote a balance of intensities and uses.***

The recommended zoning will promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

EXISTING CONDITIONS

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 within the project area.

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.

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

If 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:

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

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]

S. 1st Street is classified in the Bicycle Plan as Bike Route No. 33.

Capital Metro bus service (Routes No. 10, 110, and 484) is available along S. 1st Street.

There are existing sidewalks along both sides of S. 1st Street and along the south side of Monroe Street.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
S. 1 st Street	Varies	MNR-4	Minor Arterial	24,650
W. Monroe Street	Varies	30'	Local	1,149

Site Plan:

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.

CITY COUNCIL DATE: June 23, 2011

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

PHONE: 974-7604
stephen.rye@ci.austin.tx.us



Rye, Stephen

From: Bill Ley ([REDACTED]@gmail.com)

Sent: Friday, April 29, 2011 10:22 AM

To: Rye, Stephen; Spillar, Rob

Subject: C14-2001-0037

Mr. Rye & Mr. Spillar:

I live within half a block of this, and have not yet received my formal notice. Please send that, and in the meantime register me as an Interested Party.

A traffic impact study should not have been waived. Traffic and Transportation needs to take a very hard look at this. The businesses there now already create a serious (I mean serious) safety problem. Customers have to park on the sidewalk and in the driveway approach. Northbound traffic on south on S. 1st travels at 35 – 40 MPH. For westbound vehicles attempting to enter the intersection on Monroe, the parked vehicles obstruct the sightline until northbound vehicles are too close to avoid, even with a "hold your breath" quick right turn to northbound on S. 1st. I have had to back up and go eastbound several times. APD is aware of the problem, but if they ticket one day, the problem is back the next. Traffic and Transportation needs to take a hard look at this intersection.

Please put me down as opposing any use that may reasonably be expected to increase the number of parked vehicles unless onsite, owned (permanent, not leased) spaces are provided and a clear sightline south on S. 1st is maintained.

Bill Ley; Realtor, Broker, Lawyer

Why use a Realtor who's just a Realtor?

404 W. Monroe St., Austin, TX 78704

4/29/2011

Rye, Stephen

From: Rye, Stephen
Sent: Friday, April 29, 2011 10:05 AM
To: [REDACTED]
Subject: RE: C14-2011-0037

Attachments: C14-2011-0037.pdf



C14-2011-0037.pdf
(125 KB)

Derek,

1) Based on the application, the request for rezoning is for the entire property at 1601-1603 S. 1st, which would include all of the current businesses you listed.

2) Any associated site plan for this case would require adequate parking based on the use of the property set by the Land Development Code. According to TCAD records, the existing building has roughly 3,500 square feet. The City of Austin has a parking requirement of 1 space per 275 square feet for a liquor sales use. This would be an initial requirement of 12.72 spaces. Given that the property is located within the urban core boundaries, a 20% parking reduction would apply for a total requirement of 10.18 spaces. Please note that these are estimates for the current configuration of the property only and not official site plan requirements.

A parking plan is a requirement of the site plan phase which occurs once the proper zoning is in place. If the request is approved, the applicant must meet the parking requirements as defined by the city code in order to receive a certificate of occupancy for the building.

The current zoning application is the first step in the process; which is to determine if the requested zoning change is an appropriate land use decision.

2) The map submitted by the applicant as part of the file showed the incorrect property. However, the zoning map issued by the city in our notifications and the tax plat map provided by the applicant are correct. I have attached the correct map for your information.

3) The 2,000 vehicle trip limit is a threshold set by the city for the requirement of a traffic impact analysis. The applicant has agreed to limit the property to fewer than 2,000 trips per day (as calculated by formulae in the transportation code) in order to waive this requirement. The calculation is based on the zoning of the property and the square footage of the building. These calculations are also a part of the site planning process, but based on the existing structure size it is probable that fewer than 2,000 trips would result from the requested use change.

Please let me know if you need any additional information or clarification.

Thank you,

Stephen Rye
City of Austin
Planning and Development Review Department Current Planning Division
(512) 974-7604
(512) 974-6054 fax

-----Original Message-----

From: [REDACTED]
Sent: Thursday, April 28, 2011 10:22 PM
To: Rye, Stephen

Subject: C14-2011-0037

Can you give me some more information about this application?

Im interested in the following questions:

1) Are they converting the whole property to a liquor store? Currently this property has 4 different business, none of which have ample parking. (A "420" store, boot store, clothing store, and an auto body shop.)

1.1) Would the change in use require them to provide adequate parking for their business? If so, where would this be? I didnt see any mention of parking in the zoning change which is concerning. This property already thrusts parking into the neighborhood streets. (milton, roma, monroe, etc)

2) The application online has an error in the plat map that is presented in the documentation for approval of this case, which is mildly disturbing. The location highlighted on the plat map shows a location at south congress and monroe not south first and monroe. Does this invalidate the application? Or can you at least correct the information?

3) How does a business limit the "visits" to their property to 2k/day? Do they shut their doors down when they reach that quota for the day? Seems to me to be impossible to measure once they get the zoning change.

Thanks,
Derek Urbaniak
[REDACTED] (cell)

Rye, Stephen

From: Lidia Agraz [mailto:lidia@agrax.com]
Sent: Thursday, April 28, 2011 9:28 PM
To: Rye, Stephen
Cc: Allen Peck
Subject: Project Case Number C14-2011-0037

Hello Stephen,

We own the single family residence at 1604 S Second Street. We oppose the change in zoning requested by this applicant. Please confirm that you have received our objection.

Thank you,

Lidia Agraz and Allen Peck

4/29/2011

Rye, Stephen

From: David Garza [REDACTED]
Sent: Saturday, April 30, 2011 1:18 PM
To: Rye, Stephen; [REDACTED]
Subject: Code number: C14-2011-0037

Follow Up Flag: Follow up
Flag Status: Blue

Mr. Rye:

I am strongly opposed to the application for rezoning of West Monroe and South First St. Not only will establishing a commercial business selling liquor cause a traffic hazard by encouraging illegal parking along an extremely busy thoroughfare (both morning and evening traffic is heavy and fast on S.1st) where existing businesses already blocks clear vision to oncoming cars and trucks, but it will have deleterious effects on the integrity of the neighborhood. Monroe St. already suffers from the over-parking that results from Congress Avenue businesses and events. The street is narrow and parking creates impossible traffic tie-ups. We are frequently plagued with unruly pedestrians who strew beer cans and make loud noises late into the night. The traffic situation is egregiously bad, as is, without the addition of more problems in converting the existing property to use as a liquor store.

Please tell me how I can effectively oppose this measure.

David T. Garza
401 West Monroe St
Austin, TX 78704
[REDACTED]

Rye, Stephen

From: Ellen Cabluck. [ecabluck@xxxxxxxxxx.com]
Sent: Friday, April 29, 2011 10:44 AM
To: Rye, Stephen
Subject: Re: Email Address

Re: Case number C14-2011-0037

Mr. Rye,

We have become aware of a rezoning application for the above case to change zoning and allow a liquor store at the corner of S. First and Monroe.

We are strongly opposed to that for both safety reasons and general quality of life in our neighborhood. We live at 1808 Eva St. and witness daily issues with streets blocked to normal traffic and sight lines at busy corners being completely obstructed. Heaven help us if an emergency vehicle needed to pass down Monroe when the street was blocked by even more parked cars. Our neighborhood cannot handle the parking as it is and another attraction of that nature would just be the last straw. In addition, there are plenty of places in the neighborhood to purchase alcohol--we do not need another one.

Monroe is a through street between Congress and First and the fire trucks and ambulances use it often.

Please do not allow this rezoning.

Thank you,

Ellen Cabluck

-----Original Message-----

From: Rye, Stephen
Date: 4/29/2011 10:34:31 AM
To: ecabluck@austin.rr.com
Subject: Email Address

You may reply with to this address. I will include your comments in the official staff report to the Planning Commission and City Council.

5/18/2011

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: C14-2011-0037

Contact: Stephen Rye, (512) 974-7604

Public Hearing: May 24, 2011, Planning Commission
June 23, 2011, City Council

CAMILLO LARREY

Your Name (please print)

☐ I am in favor
☒ I object

1609 ROMA STREET AUSTIN 78704

Your address(es) affected by this application

Camille Larrey

Signature

18 May

Date

Daytime Telephone: 512-416-1993

Comments: I SMOKE MY CIGARETTES TO THIS REZONING CHANGE AS I DID THE LAST TIME IT WAS PROPOSED. NO SUGGESTION/PLAN OF HOW PARKING WILL BE ADDRESSED IS CONSIDERED, AND NOT THE DENIERS THAT WILL PARKING IN MY NEIGHBORHOOD, IN FRONT OF MY HOUSE, WILL BE DUNK.
PLEASE DO NOT APPROVE THIS!

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

City of Austin

Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2011-0037

Contact: Stephen Rye, (512) 974-7604

Public Hearing: May 24, 2011, Planning Commission
June 23, 2011, City Council

R. Sue Long

Your Name (please print)

610-612 W. Monroe St

Your address(es) affected by this application

R. Sue Long

Signature

5-16-11

Date

Daytime Telephone: 512-517-2985

Comments: I must object to this requested zoning change. Beer delivery trucks alone would cause traffic problems on the Monroe side of this building.

The available off-street parking is just 700 spaces for this kind of use. If this zoning would allow alcohol sales by-the-drink at this address, it would create a parking disaster. I already get too much over-1 flow from the funeral home at 1600 S 1st.

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

City of Austin

Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☐ I object

PUBLIC HEARING INFORMATION

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Case Number: C14-2011-0037

Contact: Stephen Rye, (512) 974-7604

Public Hearing: May 24, 2011, Planning Commission

June 23, 2011, City Council

Mary Lee
Your Name (please print)

☐ I am in favor
☒ I object

404 West Monroe St, Austin, TX 78704
Your address(es) affected by this application

Mary Lee
Signature

5/19/2011
Date

Daytime Telephone: (512) 477-6122

Comments: Our neighborhood struggles to maintain a delicate balance of residential and commercial uses. This zoning change would be very destructive to our continuing efforts to keep our neighborhood livable. Please, please don't grant this zoning change! We do not need more alcohol sales in this area.

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

Thank you,

City of Austin

Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

Mary Lee

P.S. (over)

Rye, Stephen

From: Rachel Varon [rkvaron@gmail.com]
Sent: Friday, May 20, 2011 9:49 PM
To: Rye, Stephen
Subject: expressing my objection to rezoning for C14-2011-0037

Dear Stephen:

I have noted that you are the case manager for the rezoning of the 1601-1603 S 1st Street location, case Number C14-2011-0037. I live around the corner from this location at 311 W. Milton. We already have felt the swell of the additional traffic and parking issues due to the new businesses on South 1st Street. I really do not want a liquor store in our neighborhood as well. It will not add anything to our family-friendly location. There is not enough parking to handle a busy retail location and Monroe Street is too narrow for any more traffic there.

Please submit my objection to this rezoning change. If I need to fill out any paperwork or come to a meeting to express my objection, I would be happy to do so. Please let me know of the time or procedure needed.

Thank you-
Rachel Varon

5/23/2011

C 19

Rye, Stephen

From: Sue Long [myassis.dragon@gmail.com]
Sent: Saturday, April 30, 2011 12:25 PM
To: Rye, Stephen
Subject: Zoning Change Request: C14-2001-0037: 1601-1603 S 1st (Monroe & 1st)
Follow Up Flag: Follow up
Flag Status: Blue

I must object to C14-2001-0037

If each business has only one vehicle/customer at a time, then the parking area for the four businesses that the owner has packed into this building is already full. If he proposes to add *another* business, then I definitely object.

If this permit would -now or ever- allow this location to become a bar and /or to serve alcohol, then I object to that even more strongly. There positively would never be enough room for the typical number of bar customers to park and the delivery trucks would be a special nightmare.

The funeral home across the street is an occasional headache when it fills the residential parking for blocks on occasion. A liquor license at this location would make it an everyday headache.

Sue Long
610 and 612 W. Monroe St.