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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2011-0051 – 6104 South 1<sup>st</sup> Zoning    **Z.A.P. DATE:** June 21, 2011  
July 5, 2011  
July 19, 2011  
August 2, 2011

**ADDRESS:** 6104 South 1<sup>st</sup> Street

**OWNER:** Mursch Partners, LP  
(J. Winston Krause)

**AGENT:** Werner Campbell Permits  
(Danae Falvo)

**ZONING FROM:** LO

**TO:** GO

**AREA:** 0.5492 acres  
(23,923.15 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general office – conditional overlay (GO-CO) combining district zoning. The Conditional Overlay limits the total number of daily trips to 2,000.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

June 21, 2011: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JULY 5, 2011*

*[P. SEEGER; S. BALDRIDGE – 2<sup>ND</sup>] (4-0) C. BANKS; D. TIEMANN – ABSENT;  
1 VACANCY ON THE COMMISSION*

July 5, 2011: *APPROVED A POSTPONEMENT REQUEST BY AN ADJACENT BUSINESS TO JULY 19, 2011*

*[P. SEEGER; D. TIEMANN – 2<sup>ND</sup>] (7-0)*

July 19, 2011: *APPROVED A POSTPONEMENT AT THE REQUEST OF THE ZONING AND PLATTING COMMISSION TO AUGUST 2, 2011*

*[G. ROJAS; D. TIEMANN – 2<sup>ND</sup>] (6-0) P. SEEGER – ILL*

August 2, 2011:

### **ISSUES:**

The Applicant's agent has contacted the Executive Director at the House of Little Angels day care facility.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of an office building with driveway and parking area that takes access to South 1st Street. The rezoning area as well as an additional parking area that adjoins to the north was zoned limited office (LO) by a 1981 case. There is a church further to the north (LO; SF-3), single family residences to the east (LO-MU-NP; SF-3-NP), offices (including medical) and a funeral home to the south (GR; GR-CO), and a child care facility to the west (SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes general office (GO) zoning as a step towards occupying a lease space within the building with a proposed guidance services use, a civic use which is first allowed in this district. The proposed tenant will provide outpatient substance abuse treatment that is licensed by the Texas Department of State Health Services. Staff recommends the Applicant's request given its location on an arterial roadway, and compatible adjacent zoning and land uses. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Vacant lease space in an office building with medical and administrative and business offices
<i>North</i>	LO	Parking; Religious assembly
<i>South</i>	GR; GR-CO	Medical office; Funeral services; Financial services
<i>East</i>	LO-MU-NP; SF-3-NP	Single family residences
<i>West</i>	LO; SF-3; GR	Child care facility; Offices

**AREA STUDY:** N/A**TIA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 1008 – Woodhue Community Association Watch  
 1037 – Homeless Neighborhood Association      1075 – League of Bicycling Voters  
 1113 – Austin Parks Foundation      1116 – Soft Wind Neighborhood Association  
 1173 – South Congress Combined Neighborhood Plan Contact Team  
 1187 – South Austin Neighbor Awareness Project  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization

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1224 – Austin Monorail Project

1228 – Sierra Club, Austin Regional Group

1236 – The Real Estate Council of Austin, Inc.

1276 – South Congress Neighborhood Plan – COA Liaison

**SCHOOLS:**

Odom Elementary School

Bedichek Middle School

Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0105 – Sweetbriar Neighborhood Planning Area Rezoning – Stassney Lane to the North; IH-35 to the east; William Cannon Drive on the south, South 1st Street on the west	Rezoning of 43 tracts of land	To Grant	Approved (8-18-05).
C14-84-213(DE) – Andree Plaza C14-84-212 (Site Plan Deletion) – 724 Eberhart Lane	GR to GR for a site plan deletion	To Grant GR-CO with CO for 36' height limit	Approved GR-CO and deleted portion of site plan (11-29-01).
C14-84-213 – Andrea Plaza General Retail Center (also known as Gov't Employees FCU) – 7.1 acres, located at 6100-6300 South 1 <sup>st</sup> Street and Eberhart Lane	I-SF-3 to GR	To Grant GR, First Height and Area	Approved GR zoning with Restrictive Covenant which prohibits apartments and bars, but does allow restaurants with >50% food that also sell alcoholic beverages, site plan is attached (10-30-86).
C14-79-012 – The Wesleyan Church – 6012-6106 South 1 <sup>st</sup> Street	“A” Residence, First Height and Area to “O” Office, First Height and Area	To Grant “O” Office, First Height and Area	Approved “O” First Height and Area (LO zoning) (7-2-81).

**RELATED CASES:**

The rezoning area is a portion of Lot 1 of Wesleyan Church Subdivision 2, a subdivision recorded on June 15, 1981 (C8s-81-107). Please refer to Exhibit B.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route
South First Street	Varies	MAR - 4	Minor Arterial (22,043 vpd)	Yes, both sides	No. 10, 110 and 484
Blueberry Hill	50 feet	30 feet	Local (284 vpd)	Yes, both sides	No
Flournoy Drive	60 feet	41 feet	Residential Collector (1,540 vpd)	Yes, both sides	No

South 1<sup>st</sup> Street is classified in the Bicycle Plan as Bike Route No. 33.  
Flournoy Drive is classified in the Bicycle Plan as Bike Route No. 376.

**CITY COUNCIL DATE:** July 28, 2011

**ACTION:**

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

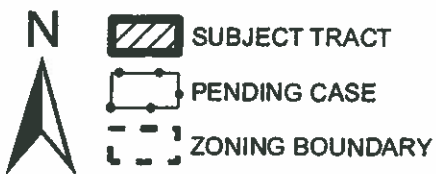
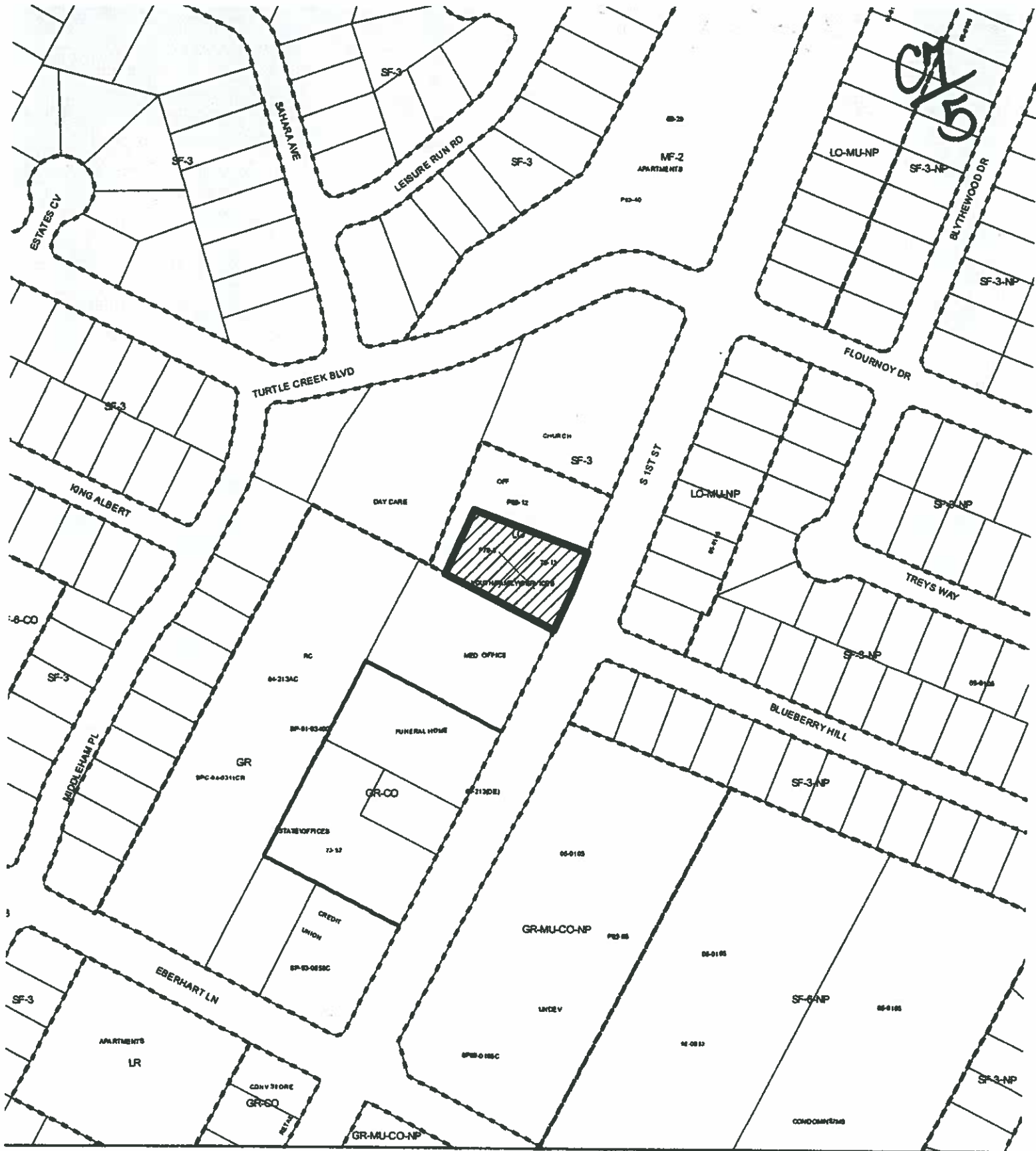
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719



## ZONING

*Exhibit A*

ZONING CASE#: C14-2001-0051  
 LOCATION: 6104 S 1ST ST  
 SUBJECT AREA: 0.5452 ACRES  
 GRID: G16  
 MANAGER: W. RHOADES



1"=200'

This map has been produced by the Communications Technology Management Dept on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

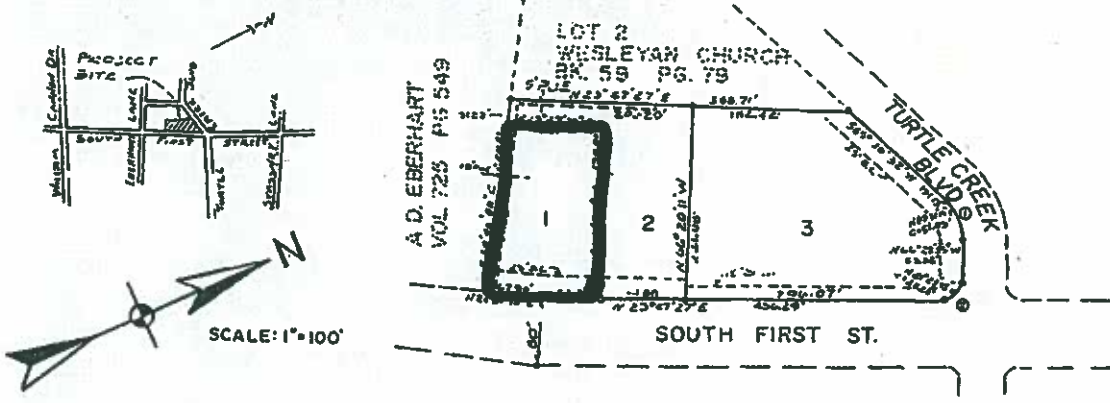






# WESLEYAN CHURCH SUBDIVISION 2

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**LEGEND**  
IRON PIN FOUND •  
IRON PIN SET ○

## CURVE DATA

① A	② Cus	③ R	④ C-m
Δ 48°00'00"		92°57'33"	
A 62.74'		10.88'	
T 27.24'		2.05'	
A 56.96'		34.64'	
C 50.05'		28.22'	

STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT, WESLEYAN CHURCH, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF INDIANA WITH PRINCIPAL OFFICE IN THE COUNTY OF MARION, INDIANA, ACTING HEREIN BY AND THROUGH ITS DISTRICT SECRETARY, REVEREND GARY SAWYER: OWNER OF A 5.84 ACRE TRACT OF LAND CONVEYED TO US BY DEED OF RECORD IN VOLUME 3237, PAGE 1169 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS, KNOWN AS "WESLEYAN CHURCH", A SUBDIVISION OF RECORD IN BOOK 59, PAGE 79 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS, DO HEREBY SUBDIVIDE A 2.518 PORTION, PREVIOUSLY KNOWN AS LOT 1, AND BEING THAT SAME PROPERTY AS WAS VACATED BY INSTRUMENT RECORDED IN VOLUME 766, PAGE(S) 975, OF THE TRAVIS COUNTY, TEXAS DEED RECORDS, DO HEREBY DEDICATE TO THE PUBLIC THE STREETS AND EASEMENTS SHOWN HEREON.

WESLEYAN CHURCH  
REV. GARY SAWYER, DISTRICT SECRETARY

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, THE UNDER SIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED REVEREND GARY SAWYER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTES THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

APPROVED FOR ACCEPTANCE  
RICHARD K. LITTLE, DIRECTOR OF PLANNING  
JAN 26, 1982

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN ON THE 26<sup>TH</sup> DAY OF JANUARY A.D., 1982  
GILBERT A. MANIVEL, CHAIRMAN  
DAVID C. BOESMAN, CLERK  
FILED FOR RECORD THIS 27<sup>TH</sup> DAY OF JANUARY A.D., 1982 AT 2:25 P.M.  
CORIS SHROPSHIRE, CLERK, COUNTY COURT, TRAVIS COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF TRAVIS

I, CORIS SHROPSHIRE, COUNTY CLERK, OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 27<sup>TH</sup> DAY OF JANUARY A.D., 1982 AT 2:25 P.M. IN THE PLAT RECORDS OF SAID COUNTY IN BOOK 52, PAGE 10 AND DULY RECORDED AT 2:32 P.M.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY, THE LAST DATE WRITTEN ABOVE.

I, A. E. STANSBERRY, AN AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING AND SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 43, OF THE CIVIL STATUTES.



FOR TO CONSTRUCTION PLATS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE PUBLIC WORKS DEPARTMENT OF THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUNOFF SHALL BE HELD TO THE AMOUNT LISTED AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHOD. NO USAGE ON LOT 3 OF THIS SUBDIVISION SHALL BE RESTRICTED TO THOSE USES PERMITTED UNDER "M" ZONING UNTIL SUCH TIME AS A ZONING CHANGE MAY PERMIT OTHERWISE. LOTS SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEMS. A 100 YEAR FLOOD PLAIN DOES NOT ENCOMPASS THIS SUBDIVISION. SIX (6.0) FOOT SIDEWALK WILL BE REQUIRED ON THE WEST SIDE OF SOUTH FIRST STREET.

RECEIVED  
CITY PLANNING  
CITY OF AUSTIN

EXHIBIT B  
RECORDED PLAT

85-81-1072

Vol. 82, Page 10  
Jan-27-82 REC'D 7:531  
20.00  
Vol. 82, Page 10

CM/8

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general office – conditional overlay (GO-CO) combining district zoning. The Conditional Overlay limits the total number of daily trips to 2,000.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The general office (GO) district is intended for offices and selected commercial uses predominantly serving community or City-wide needs, such as medical or professional offices. A building in a GO district may contain more than one use.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends the Applicant's request given its location on an arterial roadway, and compatible adjacent zoning and land uses. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

**EXISTING CONDITIONS****Site Characteristics**

The rezoning area is a vacant lease space within an office building. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the GO zoning district is 80%, a consistent figure between the *zoning and watershed* regulations.

**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 Williamson 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%
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According to floodplain maps there is no floodplain within or adjacent to the project boundary.

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

No trees are located on this property. 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.

### **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]

### **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 by the land use. Water and wastewater utility plans 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**

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.

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The site is subject to compatibility standards. Along the West 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.

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

May 13, 2011

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Mrs. Wendy Rhoades  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704

*RE: Zoning Application  
6104 South 1<sup>st</sup> Street (.5452 Acres)  
Proposed Rezoning from LO (Limited Office) to GO (General Office)*

Dear Mrs. Rhoades:

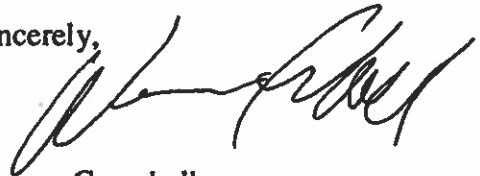
As the representative of the owner of the above referenced property, I respectfully submit the enclosed zoning application package for review.

The purpose of the proposed rezoning of the property from LO to GO is to allow the use of 'Guidance Services'. The owner intends to lease an existing space to the tenant, How I Live Life, Inc. The proposed tenant will provide outpatient substance abuse treatment licensed by the Texas Department of State Health Services.

The property is not located within an approved Neighborhood Plan. A Traffic Impact Analysis (TIA) has been waived per the enclosed TIA Determination Worksheet completed by Amber Mitchell.

Please let me know if you or your team members require any additional information or have any questions.

Sincerely,



Werner Campbell  
Principal



## 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](http://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: C14-2011-0051

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: June 21, 2011, Zoning and Platting Commission  
July 28, 2011, City Council

Your Name (please print) John A. Saldana

☐ I am in favor  
☒ I object

Your address(es) affected by this application 505 Blueberry Hill Austin 78745

[Signature] 6/11/11  
Signature Date

Daytime Telephone: (512) 291-8839

Comments: This section is already having too many accidents, if you go to GQ zoning it will probably cause more accidents. We have a lot of traffic on South 1st, and vehicles turning into Blueberry Hill have to be careful of traffic coming from the office area.

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

City of Austin  
Planning & Development Review Department  
Wendy Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

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**Rhoades, Wendy**

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**From:** Gloria Espinosa [REDACTED]  
**Sent:** Tuesday, July 05, 2011 4:50 PM  
**To:** Rhoades, Wendy  
**Cc:** James Espinosa  
**Subject:** Re: Rezoning case at 6104 South 1st Street - C14-2011-0051  
Wendy,

I am requesting a postponement until July 19th on this propose zoning. We have not had a chance to review the material and need to postpone until July 19.

Thank you, Gloriana Espinosa, House of Little Angels, Executive Director

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**From:** "Rhoades, Wendy" <Wendy.Rhoades@ci.austin.tx.us>  
**To:** Gloria Espinosa <[REDACTED]>  
**Sent:** Tue, July 5, 2011 4:31:02 PM  
**Subject:** RE: Rezoning case at 6104 South 1st Street - C14-2011-0051

Gloria,  
Please confirm if you are requesting a postponement of this case until the next meeting of July 19th. I would like to accurately convey your request to the Zoning and Platting Commissioners tonight.

Thank you,  
Wendy

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**From:** Gloria Espinosa [REDACTED]  
**Sent:** Tuesday, July 05, 2011 4:22 PM  
**To:** Rhoades, Wendy  
**Cc:** James Espinosa  
**Subject:** Re: Rezoning case at 6104 South 1st Street - C14-2011-0051

Dear Wendy,

We definitely need more time as we have only learned about this today. We would like a chance to review the zoning that is being proposed by the city and we are not prepared to move forward with a decision at this time

Thank you, Gloriana Espinosa, Executive Director of House of Little Angels Learning Center

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**From:** "Rhoades, Wendy" <Wendy.Rhoades@ci.austin.tx.us>  
**To:** [REDACTED]  
**Sent:** Tue, July 5, 2011 12:21:32 PM  
**Subject:** Rezoning case at 6104 South 1st Street - C14-2011-0051

Gloria,

Thank you for your interest in the above-referenced rezoning case on South 1st Street. The case is scheduled to be considered by the Zoning and Platting Commission at their

meeting tonight, July 5th beginning at 6 p.m. in the City Council Chambers. However, if you would like additional time to review and discuss the request with others at the House of Little Angels child care facility, or with the Applicant and / or Staff, then you may wish to request postponement of this case. For reference, the next meeting of the Zoning and Platting Commission is in two weeks, on Tuesday, July 19th, also at 6 p.m. in the Council Chambers. If you would like to request postponement, please reply to me by email outlining your request so that I may forward it along to the Zoning and Platting Commissioners for their consideration.

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Sincerely,  
Wendy Rhoades  
974-7719