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ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0066 – Creekside

Z.A.P. DATE: August 2, 2011

ADDRESS: 5616 South 1st Street

OWNER: Equilibrium Development
(Brad Schubert)

AGENT: PSW Homes
(Ryan Diepenbrock)

ZONING FROM: GR-CO

TO: SF-6-CO

AREA: 5.922 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant townhouse and condominium – conditional overlay (SF-6-CO) combining district zoning. The Conditional Overlay limits development of the property to 40 units.

ZONING & PLATTING COMMISSION RECOMMENDATION:

August 2, 2011:

ISSUES:

The Applicant provided information to residents on Leisure Run Road, Nancy Drive and Sahara Avenue about the proposed townhouse development, and scheduled a meeting with interested residents on Monday, June 27, 2011 at Fairview Baptist Church. The Applicant has also contacted a representative of the Far South Austin Community Association.

DEPARTMENT COMMENTS:

The subject lot is undeveloped and zoned community commercial – conditional overlay (GR-CO) combining district by way of a 2003 case. The property has frontage on South 1st Street, an arterial roadway. Although Cynthia Drive to the west and Leisure Run Road to the south terminate along the property's western and southern property lines, the Traffic Impact Analysis performed with the 2003 rezoning case prohibits vehicular access to these streets. There are retail sales uses to the north that front on West Stassney Lane (GR; GR-CO), single family residences to the east (LO-MU-NP, SF-3-NP), apartments and single family residences to the south (MF-2; SF-3) and a mixture of single family residences and manufactured homes to the west (SF-3; MH). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant has requested townhouse and condominium residence (SF-6-CO) district zoning in order to develop 40 detached townhomes. Staff recommends the Applicant's request, given: the surrounding area includes single family residences, manufactured homes, and multi-family residential uses, and SF-6-CO zoning would be compatible with the established character while further diversifying the housing options available; and 2) it is located in proximity to supporting office, commercial and civic uses.

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EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Undeveloped
<i>North</i>	GR-CO; GR	Retail sales (convenience and general); Pharmacy; Church
<i>South</i>	SF-3	Single family residences
<i>East</i>	LO-MU-NP; SF-3-NP	Single family residences
<i>West</i>	MH; SF-3	Manufactured homes; Single family residences

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
 175 – Salem Walk Association of Neighbors
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 1008 – Woodhue Community Neighborhood Watch
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1108 – Perry Grid 644 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
 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 –	Rezoning of 43 tracts of land	To Grant	Approved (8-18-05).

Stassney Lane to the North; IH-35 to the east; William Cannon Drive on the south, South 1st Street on the west			
C14-05-0010 – 5805 Nancy	MH to SF-3	To Grant	Approved SF-3 (4-14-05).

RELATED CASES:

The subject property, along with adjacent property to the north fronting West Stassney Lane and the east fronting South 1st Street was rezoned to GR-CO on October 30, 2003 (C14-03-0099 – Stassney South First Retail). The Conditional Overlay prohibits automotive-related uses, including service station, exterminating services and pawn shop services; restricts a food sales use to 10,000 square feet in size, prohibits a loading facility within 50 feet of the property line, and limits height of a building or structure to 40 feet. There is a public Restrictive Covenant for the conditions of the Traffic Impact Analysis as well as a private Restrictive Covenant that requires a 6-foot tall split-face concrete masonry wall along the west and south property lines, a pedestrian walkway from the property to Leisure Run Road, and places restrictions on amplified outdoor music and outdoor vendors.

The property is platted as Lot 1 B of Turtle Creek Commercial Subdivision, a Resubdivision of Lot 1, Fairview Baptist Subdivision Section Two, a plat recorded on February 19, 2009 (C8-2008-0076.0A). There are no pending site plan applications on the subject property.

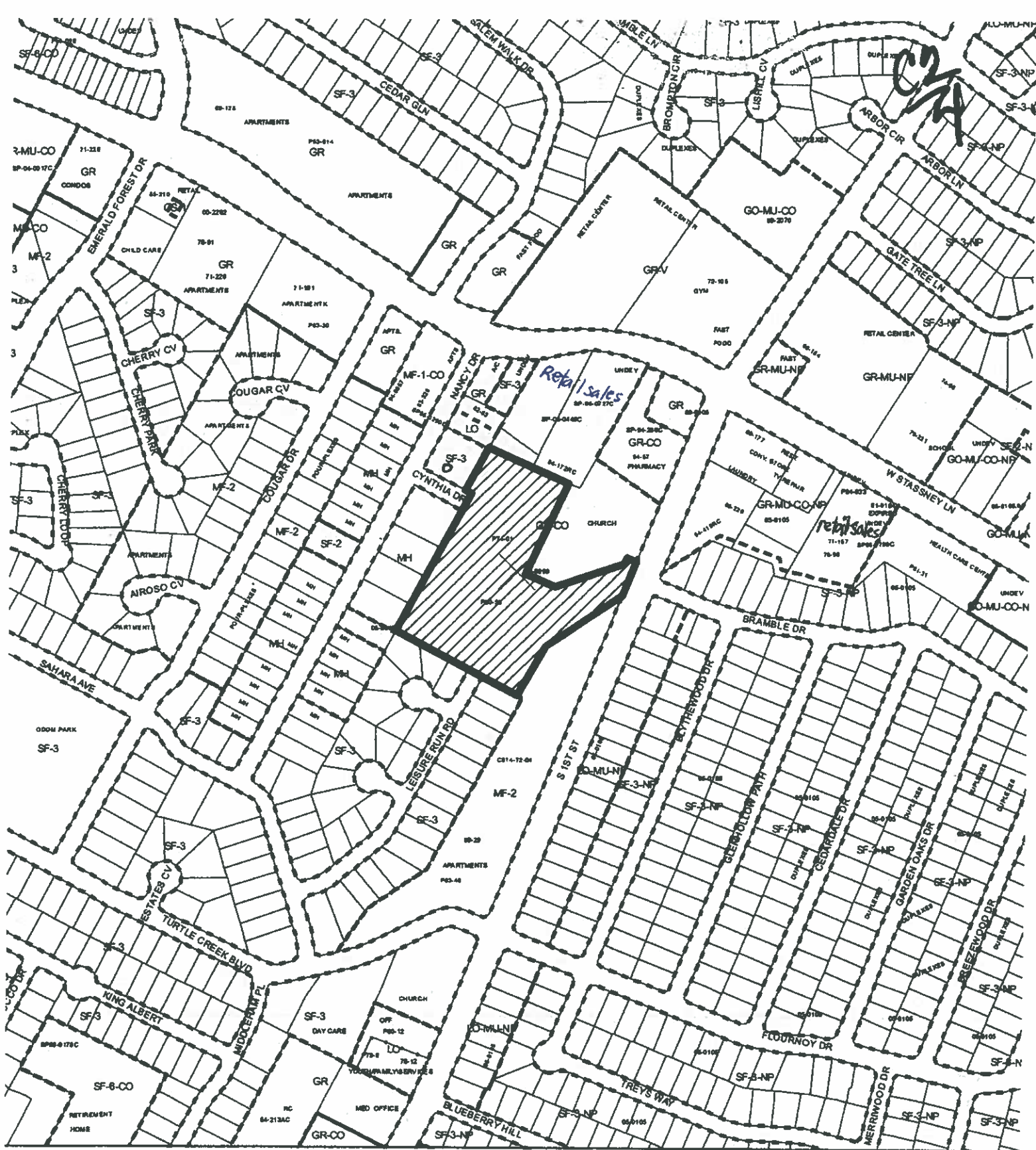
ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
South 1 st Street	88 feet	MAU 4	Arterial	Yes	Yes	No

CITY COUNCIL DATE: August 25, 2011**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:**

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

PHONE: 974-7719



ZONING

EXHIBIT A



ZONING CASE#: C14-2011-0066
 LOCATION: 5616 S 1ST ST
 SUBJECT AREA: 5.922 ACRES
 GRID: G17
 MANAGER: WENDY RHOADES



1"=400'

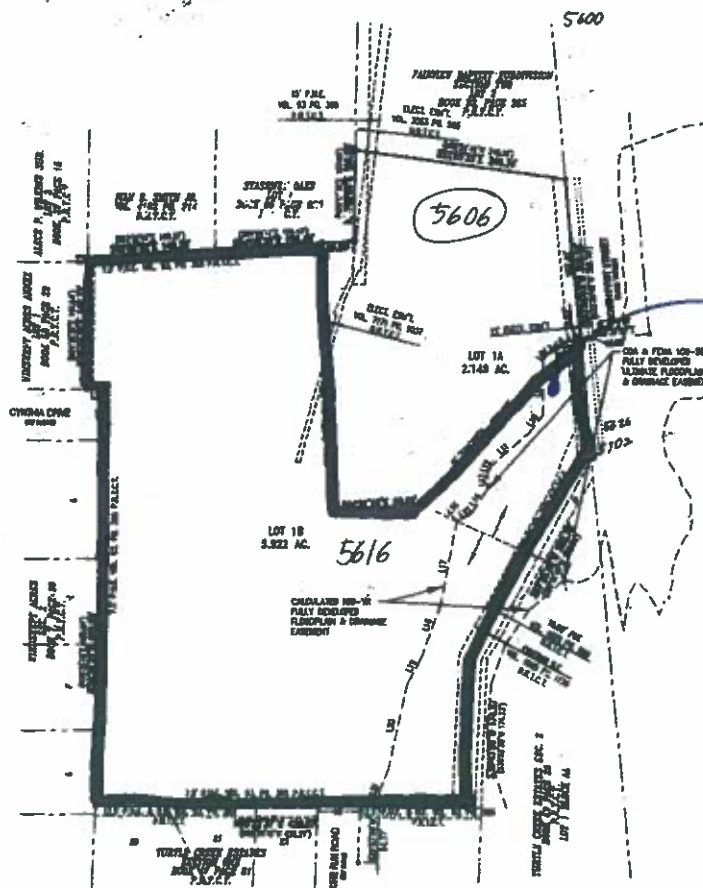
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



TURTLE CREEK COMMERCIAL SUBDIVISION

A RESUBDIVISION OF LOT 1, FAIRVIEW BAPTIST SUBDIVISION SECTION TWO

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REZONING AREA



LOCATION MAP

NOTES:

1. ANY STRUCTURES CROSSING PROPERTY LINES MUST BE DEMOLISHED, OR OBTAIN A UNIFIED DEVELOPMENT AGREEMENT, PRIOR TO ANY BUILDING PERMITS BEING ISSUED ON THIS SITE.
2. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEMS.
3. THE WATER AND WASTEWATER UTILITY SYSTEM SERVING THIS SUBDIVISION 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 CITY OF AUSTIN. THE WATER AND WASTEWATER UTILITY CONSTRUCTION MUST BE INSPECTED BY THE CITY. THE LANDOWNER MUST PAY THE CITY INSPECTION FEE WITH THE UTILITY CONSTRUCTION.
4. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH THE CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS AS STATED IN THE LAND DEVELOPMENT CODE.
5. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLACING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
6. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS.
7. PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY OR DUPLEX ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.
8. AUSTIN ENERGY HAS THE RIGHT TO CUT AND TRIM TREES AND SHRUBBERY AND REMOVE OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR OF OBSTRUCTIONS. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
9. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT MAY PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES WITHIN OR ALONG THE PERIMETER OF THIS SUBDIVISION/LOT. THESE EASEMENTS/ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDINGS AND WILL NOT BE LOCATED AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
10. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
11. WATERSHED STATUS: THIS SUBDIVISION IS LOCATED WITHIN THE WILLIAMSON CREEK WATERSHED WHICH IS CLASSIFIED AS SUBURBAN AND SHALL BE MAINTAINED IN CONFORMANCE WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
12. THIS SUBDIVISION IS NOT LOCATED OVER THE EDWARDS AQUIFER RECHARGE ZONE.
13. BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.
14. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION PURSUANT TO SECTION 25-8-181 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE AND THE ENVIRONMENTAL CRITERIA MANUAL.
15. FOR A MINIMUM TRAVEL DISTANCE OF 25 FT. FROM THE ROADWAY EDGE DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF AUSTIN.
16. PUBLIC SIDEWALKS, SUPLY TO CITY OF AUSTIN STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS AND AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT:
S. 1st STREET

THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.

17. DEVELOPMENT ON ANY LOT IN THIS SUBDIVISION SHALL BE PURSUANT TO PROVISIONS OF LDC 25-8-211.

18. BICYCLE AND PEDESTRIAN ACCESS IN CONFORMANCE WITH SUBCHAPTER E OF SECTION 25-2 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE WILL BE PROVIDED TO THE ADJACENT LOT 1A PRIOR TO SITE PLAN APPROVAL.

GRAPHIC SCALE



LEGEND

- CONCRETE MONUMENT FOUND
- IRON ROD FOUND
- IRON PIN SET
- BOUNDARY LINES
- - - EASEMENT LINES
- - - EX. SIDEWALK
- P.A.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- D.U.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION
- - - P.U.E. PUBLIC UTILITY EASEMENT

LOT SUMMARY

LOTS	ACREAGE
1A	2.148 AC
1B	3.323 AC
TOTAL	5.471 AC

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N80°51'35"W	19.89'
(L1)	(N80°40'10"W)	(19.97')
L2	N29°52'11"E	5.01'
(L2)	(N29°22'59"E)	(5.02')
L3	S88°35'57"E	30.00'
L4	N23°34'03"E	20.00'
L5	N72°34'22"W	18.21'
L6	S81°21'30"W	13.42'
L7	N88°48'27"W	14.08'
L8	S85°47'53"W	8.25'
L9	S27°44'51"W	82.49'
L10	S85°17'30"W	25.47'
L11	S76°37'03"W	60.49'
L12	S54°14'10"W	8.42'
L13	S29°07'59"W	20.31'
L14	S82°18'37"W	34.31'
L15	N88°44'30"W	15.42'
L16	S73°28'10"W	2.27'
L17	S38°43'12"W	101.18'
L18	S48°15'03"W	81.42'
L19	S58°32'00"W	37.28'
L20	S40°23'38"W	100.86'
L21	S50°30'03"W	47.18'

PROPERTY OWNERS: FAIRVIEW BAPTIST CHURCH
5608 S. 1st STREET
AUSTIN, TEXAS 78745

ACREAGE: 5.471 AC
NUMBER OF BLOCKS: 2
NUMBER OF LOTS: 2
SUBMITTAL DATE:

SURVEYOR: PAUL UTTERBACK, R.P.L.S. 5728
A.T.S. ENGINEERS, INSPECTORS & SURVEYORS
4611 BEE CAVES RD., #200
AUSTIN, TEXAS 78748
512-328-8885
512-328-8886

ENGINEER: KENN K. PENA
A.T.S. ENGINEERS, INSPECTORS & SURVEYORS
4611 BEE CAVES RD., #200
AUSTIN, TEXAS 78748
512-328-8885
512-328-8886

UTILITY PROVIDERS: WATER: AUSTIN WATER
SEWERAGE: AUSTIN WATER
TELEPHONE: ATT
ELECTRIC: AUSTIN ENERGY

EXHIBIT B
RECORDED PLAT



C8-2008-0076.0A

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7**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant townhouse and condominium – conditional overlay (SF-6-CO) combining district zoning. The Conditional Overlay limits development of the property to 40 units.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The townhouse and condominium residence (SF-6) district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use.

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

Staff recommends the Applicant's request, given: the surrounding area includes single family residences, manufactured homes, and multi-family residential uses, and SF-6-CO zoning would be compatible with the established character while further diversifying the housing options available; and 2) it is located in proximity to supporting office, commercial and civic uses.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is undeveloped and relatively flat. The recorded plat delineates the City of Austin and FEMA 100-year fully developed floodplain within the eastern portion of the property.

Impervious Cover

The maximum impervious cover allowed by the SF-6 zoning district would be 55% which is based on the more restrictive zoning 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%

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Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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.

Transportation

The traffic impact analysis for this site has been waived because a TIA was conducted with zoning case C14-03-0099. The Applicant should comply with all applicable recommendations listed the Staff memo dated 9/3/2003.

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 proposed 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.

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19**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 south 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: C14-2011-0066

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing: August 2, 2011, Zoning and Platting Commission
August 25, 2011, City Council

Fairview Baptist Church

Your Name (please print)

3606 S. 1st St Austin TX 78745-3108

Your address(es) affected by this application

Marlene Hebert Secretary

Signature

Date

Daytime Telephone: 442-1878

Comments:

Will not attend
meetings.

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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