

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0135 – Howard Schain’s
Rezoning

Z.A.P. DATE: November 15, 2011

ADDRESS: 6400 South 1st Street

OWNER: Schain Properties (Howard Schain)

AGENT: Moncada Consulting
(Phil Moncada)

ZONING FROM: GR-CO

TO: CS-1

AREA: 0.041 acres (1,790 sq.ft.)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial-liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay prohibits the following uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), indoor entertainment, indoor sports and recreation, and pawn shop services.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

November 15, 2011: *TO GRANT CS-1-CO DISTRICT ZONING AS STAFF
RECOMMENDED*

*[S. BALDRIDGE; G. ROJAS – 2ND] (4-1-1) J. MEEKER – NAY; B. BAKER –
ABSTAINED; G. BOURGEOIS – ABSENT*

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The rezoning request is for a vacant lease space in a small retail center at the southwest corner of South First Street, an arterial and Eberhart Lane, a collector street. Existing uses within the retail center include a convenience store, a restaurant, personal services, and other uses. To the north, across Eberhart, is a credit union. To the east, across South First, is an auto repair/tire store and a convenience storage use. There are multi-family residences immediately west of the retail center that are separated by a wood fence, and also immediately to the south, separated by a wrought iron fence. Behind the multi-family residential development is a single family residential neighborhood. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant proposes commercial – liquor sales (CS-1) district zoning as a step toward occupying the lease space with a liquor sales use. Staff recommends the Applicant’s request given its location within a shopping center on the South First Street corridor which contains a

mix of commercial uses. The Conditional Overlay continues to prohibit the seven land uses within the 1992 ordinance that are currently in the Code.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Retail center with printing and publishing, personal services, personal improvement services, restaurant, food sales
<i>North</i>	GR	Financial services
<i>South</i>	MF-2	Multi-family residences
<i>East</i>	GR-MU-CO-NP	General retail sales (general), Auto repair, Convenience storage
<i>West</i>	LR	Multi-family residences

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association 511 – Austin Neighborhoods Council
 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
 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 Combined Neighborhood Plan Contact Team
 1278 – Garrison Park Neighborhood Plan – COA Liaison
 1340 – Austin Heritage Tree Foundation

SCHOOLS:

Odom Elementary School

Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0204 – R.I.T. Inc. – 6515 and 6520 South 1 st Street	LO to GR	To Deny	Approved LR-CO with the CO for 2,000 trips, prohibit access to King Edward Place, and the following uses: food sales, restaurants (limited and general), residential treatment and service station (4- 23-09).
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).
C14-03-0158 – A.A.A. Storage – 6509 South 1 st Street	GR; W/LO to W/LO	To Grant	Approved (1-15-04).

RELATED CASES:

The rezoning area is located on a portion of Lot 2 of Buckingham Place Commercial Area, which was platted in September 1969 as part of subdivision case C8s-69-141. Please refer to Exhibit B.

The subject property was rezoned from LR to GR-CO in 1992. City Council approved all three readings of Ordinance No. 920709-I on July 9, 1992. Please refer to Exhibit C. The Conditional Overlay includes the following restrictions:

1. Development of the Property as Restaurant (general) or Restaurant (limited) use shall be restricted to a maximum gross floor area of 3,000 square feet.
2. The following uses of the property shall be prohibited:
 - a. Automotive rentals,
 - b. Automotive repair services,
 - c. Automotive sales,
 - d. Automotive washing (self, automatic, or mechanical)

- e. Restaurant (drive-in, fast food),
- f. Indoor entertainment,
- g. Indoor sports and recreation, and
- h. Pawn shop services.

The subject property is located within the Garrison Park Planning Area, but the City planning process has not yet started for this community.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
South 1st Street	80 feet	Varies	Arterial (24,030, TXDOT 2010)	Yes, Both Sides	Capital Metro (route nos. 10, 110, and 484)	Shared Bike Lane

CITY COUNCIL DATE: December 15, 2011

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 974-7719



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2011-0135

Exhibit A

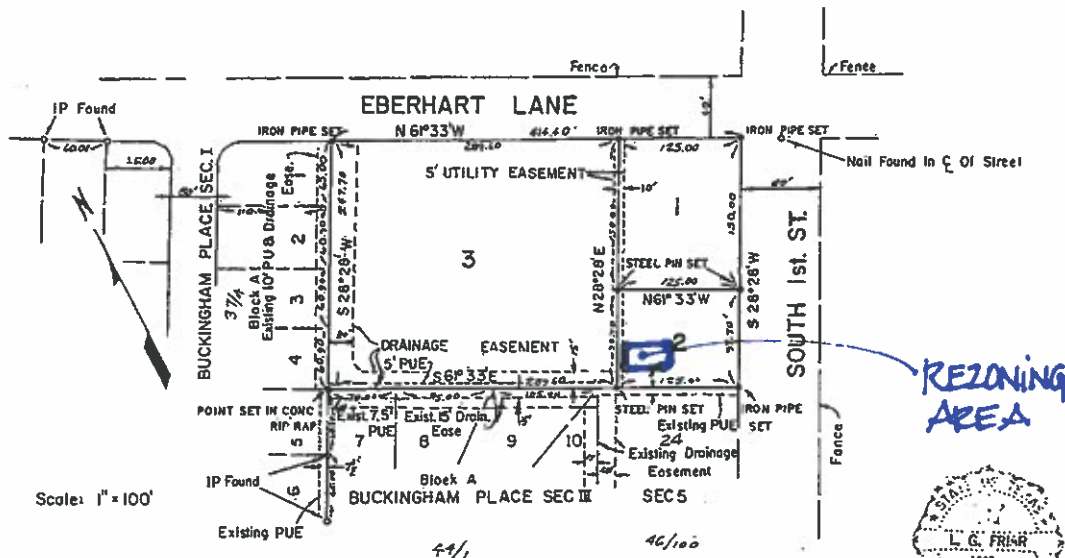
1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







BUCKINGHAM PLACE
COMMERCIAL AREA

SURVEYED BY *L.G. Friar* DATE 4-17-69

L. G. FRIAR, Reg. Public Surveyor

For
Hunter Associates

STATE OF TEXAS
COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS

That Donald L. West, Doris Harris Warlick, and Edward R. Rathgeber, Jr. owners of the tract of land shown hereon out of and a part of the Wm. Cannon League #19 in Travis County, Texas, conveyed to us by deed of record in Volume 3566 at Page 232 of the deed records of Travis County, Texas, do hereby subdivide said tract in accordance with the attached plat, to be known as Buckingham Place Commercial Area and do hereby dedicate to the public the streets and easements shown hereon.

Witness our hands this the 22 day of August, A.D. 1969.

Donald L. West
Donald L. West

Doris Harris Warlick
Doris Harris Warlick

Edward R. Rathgeber, Jr.
Edward R. Rathgeber, Jr.

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared Donald L. West, Doris Harris Warlick, and Edward R. Rathgeber, Jr. known to me to be the person whose names are subscribed to the foregoing instrument and they acknowledged to me that they executed the same for the purposes and considerations there in expressed.

Given under my hand and seal of office this the 22 day of August, A.D. 1969.

Shirley E. Gled
NOTARY PUBLIC in and for Travis, County, Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, Emilie Limberg, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing, with its certificate of authentication, was filed for records in my office on the 12 day of Sept, A.D. 1969 at 4:20 o'clock P.M. and duly recorded on the 12 day of Sept, A.D. 1969 at 4:24 o'clock P.M. In this plat Records of said County and State in Plat Book 47, Page 94

Witness my hand and seal of the County Court of said County the date last written above.

Miss Emilie Limberg, Clerk, County Court, Travis County, Texas

By *David E. Wacker* Deputy

Filed for record at 4:20 o'clock P.M. on this the 12 day of Sept, A.D. 1969.

Miss Emilie Limberg, Clerk, County Court, Travis County, Texas.

By *David E. Wacker* Deputy

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, this the 12th day of September, A.D. 1969.

Ray A. Hanks
Secretary

H.P. Kinner
Chairman

APPROVED FOR ACCEPTANCE:

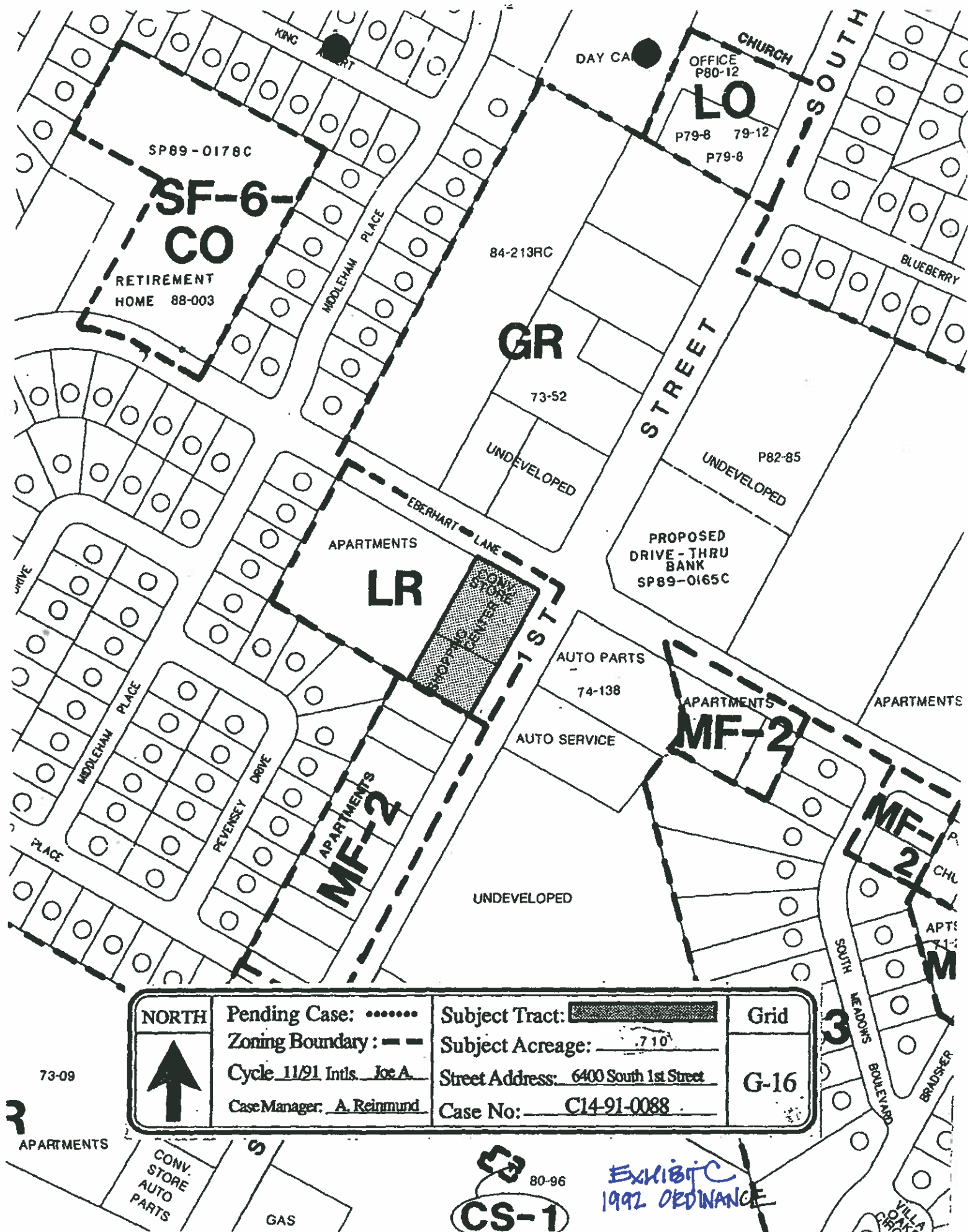
Lytle M. Johnson
Director of Planning

DATE: Sept 12, 1969



EXHIBIT B
RECORDED PLAT

18-ba-141



ORDINANCE NO. 920709-1

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: 0.1035 ACRE TRACT OF LAND, FROM "LR" NEIGHBORHOOD COMMERCIAL DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 6400 SOUTH FIRST STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 13-2 of the Austin City Code of 1981 is amended to change the base zoning district from "LR" Neighborhood Commercial district to GR-CO Community Commercial district-Conditional Overlay combining district on the property described in File C14-91-0088, as follows:

0.1035 acre tract of land, said 0.1035 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes,

locally known as 6400 South First Street, in the City of Austin, Travis County, Texas.

PART 2. The property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Development of the Property as Restaurant (general) or Restaurant (limited) use shall be restricted to a maximum gross floor area of 3,000 square feet.
2. The following uses of the Property shall be prohibited:

(a) Automotive rentals,	(e) Automotive washing (self service),
(b) Automotive repair services,	(i) Restaurant (drive-in, fast food),
(c) Automotive sales,	(f) Indoor entertainment,
(d) Automotive washing	(g) Indoor sports and recreation, and,
(automatic or mechanical),	(h) Pawn shop services.

Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "GR" Community Commercial district base district and other applicable requirements of the Land Development Code.

PART 3. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage.

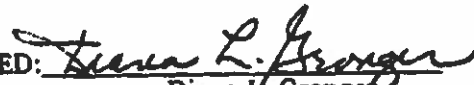
PASSED AND APPROVED:

____ July ____ 9 ____ 1992

SEAL



Bruce Todd
Mayor

APPROVED: 
Diana L. Granger
City Attorney

ATTEST: 
James E. Aldridge
City Clerk

9 July 92
ME/jj

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial-liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay prohibits the following uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), indoor entertainment, indoor sports and recreation, and pawn shop services.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

The applicant proposes a liquor store be located in the CS-1 rezoned space.

- 2. Zoning changes should be compatible with nearby uses and should not result in detrimental impacts to the neighborhood character.*

Staff recommends the Applicant's request given its location within a shopping center on the South First Street corridor which contains a mix of commercial uses. The Conditional Overlay continues to prohibit the seven land uses within the 1992 ordinance that are currently in the Code.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is a vacant lease space within a commercial shopping center. 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 CS-1 zoning district would be 80% which is a consistent figure between the watershed and 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:

<u>Development Classification</u>	<u>% of Net Site Area</u>	<u>% with Transfers</u>
Single-Family (min. 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 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 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].

Water / Wastewater Utility

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. 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

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Because this site is within 540 feet of properties zoned SF-5 or more restrictive, it is subject to Article 10, Compatibility Standards.

Ensure that the development complies with all TABC requirements.

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: C14-2011-0135

Contact: Wendy Rhoades, (512) 974-7719

**Public Hearings: November 15, 2011, Zoning and Platting Commission
December 15, 2011, City Council**

NAUSIMAD HIRANI

Your Name (please print)

6400 S 1st St Austin TX 78745

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 512. 633-3875

Comments: Having a liquor outlet will be
damaging for the neighborhood. It would
hurt my business significantly,
I think we do not need another
Beer & Wine, liquor outlet in this complex

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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Contact: Wendy Rhoades, (512) 974-7719

Public Hearings: November 15, 2011, Zoning and Platting Commission
December 15, 2011, City Council

Louis Knox

Your Name (please print)

6407 Middleham Place

Your address(es) affected by this application

Wendy Rhoades

Signature

Daytime Telephone: ~~512-974-7719~~

Date

11-6-11

☐ I am in favor
☒ I object

Comments:

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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Contact: Wendy Rhoades, (512) 974-7719

Public Hearings: November 15, 2011, Zoning and Platting Commission
December 15, 2011, City Council

Susan Hinds Knox
Your Name (please print)

6407 Middleham Place
Your address(es) affected by this application

Susan Hinds Knox
Signature

Date

Daytime Telephone: 971-8104

Comments:

No! No! No!

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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Contact: Wendy Rhoades, (512) 974-7719

Public Hearings: November 15, 2011, Zoning and Platting Commission
December 15, 2011, City Council

Carolyn Shelley
Your Name (please print)

☐ I am in favor
☒ I object

6400 Middleham Pl, Austin, TX
Your address(es) affected by this application

Carolyn Shelley 11/12/2011
Signature Date

Daytime Telephone: 512.444.8576

Comments: 1) Is there enough parking? 40
spaces for 7 store fronts including
a restaurant and 1 convenience store.
2) Already 2 off sale sites in the
neighborhood WEB (wine & beer) and
convenience store (beer). Twin Liquors
is only 1.05 miles away.
3) There are vacant store fronts in the
mall on NE corner of S. 1st & Wm Cannon
with plenty of parking. More appropriate
If you use this form to comment, it may be returned to: locale for a
liquor store.

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810