

C5/1

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0060 – 8401 South 1st Street

Z.A.P. DATE: October 16, 2012
November 6, 2012

ADDRESS: 8401 South 1st Street

OWNER: PV First Street Investors LLC
(Joe Simmons)

AGENT: Aquila Commercial
(Jim Gallegos)

ZONING FROM: DR; SF-2

TO: GR-MU **AREA:** 6.23 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning for the South 1st Street frontage to a depth of 200 feet (Tract 1), and townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning for Tract 2, the remainder of the property, as shown in Exhibit B. The Conditional Overlay limits the number of vehicle trips to no more than 2,000 per day, and limits vehicular access to Orr Drive to emergency only.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

October 16, 2012: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT
TO NOVEMBER 6, 2012
[P. SEEGER; C. BANKS – 2ND] (6-0) G. ROJAS – NOT YET ARRIVED*

November 6, 2012:

ISSUES:

The Applicant is in agreement with the Staff recommendation.

DEPARTMENT COMMENTS:

The subject rezoning area consists of two platted lots and is developed with a construction sales and services use (landscaping company). The property has frontage on South 1st Street and access to the terminus of Orr Drive. The majority of the property is zoned development reserve (DR), with the exception of the southwest corner on South 1st Street which is zoned single-family residence – standard lot (SF-2) district. There are single family residences to the north and east (SF-2), firewood sales, flag and flagpole sales, plumbing and masonry supply companies, and a church to the south (DR; SF-2; IP-CO), and single family residences, a church and school across South 1st Street to the west (SF-2). The Imagine Austin Growth Concept Map identifies South 1st Street as a Mixed-Use Corridor which is a reflection of both land uses along a roadway and the available transportation options. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

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The Applicant proposes to rezone the property to the community commercial – mixed use (GR-MU) district to accommodate the redevelopment of the site for commercial and condominium and townhouse uses. In recognition that the property fronts on a major arterial, but is not located at an intersection, Staff recommends creating two zoning tracts for the site. Please refer to Exhibit B. The South 1st Street frontage to a depth of 200 feet would be zoned neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district (approximately 2.16 acres – Tract 1), while the remainder of the site would be zoned townhouse and condominium residence – conditional overlay (SF-6-CO) zoning (approximately 4.07 acres – Tract 2). Neighborhood commercial zoning is appropriate for Tract 1 given its location on an arterial roadway. Tract 2 serves as a transition in land use between the single family residences within the Beaconridge subdivision to the east and the proposed commercial tract on South 1st Street, and townhome / condominium (SF-6) uses further diversifies the housing options available in this area. The Conditional Overlay limits development to 2,000 vehicle trips per day for Tracts 1 and 2, and limits Orr Drive to emergency access only.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR; SF-2	Construction sales and services
<i>North</i>	SF-2	Single family residences in the Beaconridge 3 subdivision
<i>South</i>	SF-2; DR	Firewood sales; Flag and flagpole sales; Plumbing supply company, Masonry supply company; Church
<i>East</i>	SF-2	Single family residences in the Beaconridge 3 subdivision
<i>West</i>	SF-2	Church; Single family residences in the Buckingham Estates subdivision

AREA STUDY: N / A

TIA: Is not required

WATERSHED: South Boggy 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 Assoc. | 742 – Austin Independent School District |
| 786 – Home Builders Association of Greater Austin | |
| 1037 – Homeless Neighborhood Association | 1075 – League of Bicycling Voters |
| 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. | 1340 – Austin Heritage Tree Foundation |
| 1363 – SEL Texas | |

C6/3

SCHOOLS:

Williams Elementary School

Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0090 – Freedom Park – 624 Ralph Ablanedo Dr.	DR to IP	To Grant IP-CO w/CO for 2,000 trips, max. 40' height & 70% impervious cover, and prohibit auto rentals, repair, sales & service station	Approved IP-CO as ZAP recommended (10-18-12).
C14-98-0147 – Carter Zoning Case – 8609-8721 South 1 st St.	DR to LR for Tract 1 and IP for Tract 2	To Grant LR-CO (Tr. 1) and IP-CO (Tr. 2) with CO limiting height to 40 ft., impervious cover to 70%, 2,000 trips, neighborhood commercial signs (25- 10 of LDC), prohibit service station on Tr. 1, and auto rentals, repair & sales, adult-oriented uses, indoor/outdoor sports & recreation, service station, research services	Approved LR-CO (Tr. 1), IP-CO (Tr. 2) as Commission recommended (5-13- 99).
C14-96-0005 – Orton Zoning Change – 8601 South 1 st St.	DR to IP	To Grant IP-CO with CO limiting impervious cover to 70%, height to 40 ft., prohibit auto sales, prohibit access to Swanson Ln., 2,000 trips; Restrictive Covenant limiting hours of operation from 7 a.m. to 9 p.m.	Approved IP-CO with RC as rec. by PC (6-6- 96).

RELATED CASES:

The property was annexed into the City limits in November 1984. The rezoning area is platted as Lots 1-A and 1-B of the Resubdivision of Lot 1 of the P.F. Orr Subdivision recorded in September 1968 (C8s-68-156). Please refer to Exhibit C.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
South 1 st Street	75 feet	MNR 4	Arterial	Yes	Yes	No

CITY COUNCIL DATE: November 8, 2012**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov**PHONE:** 974-7719

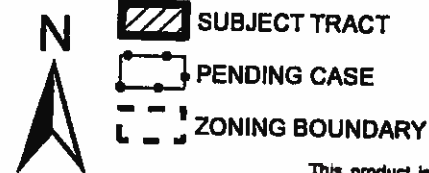
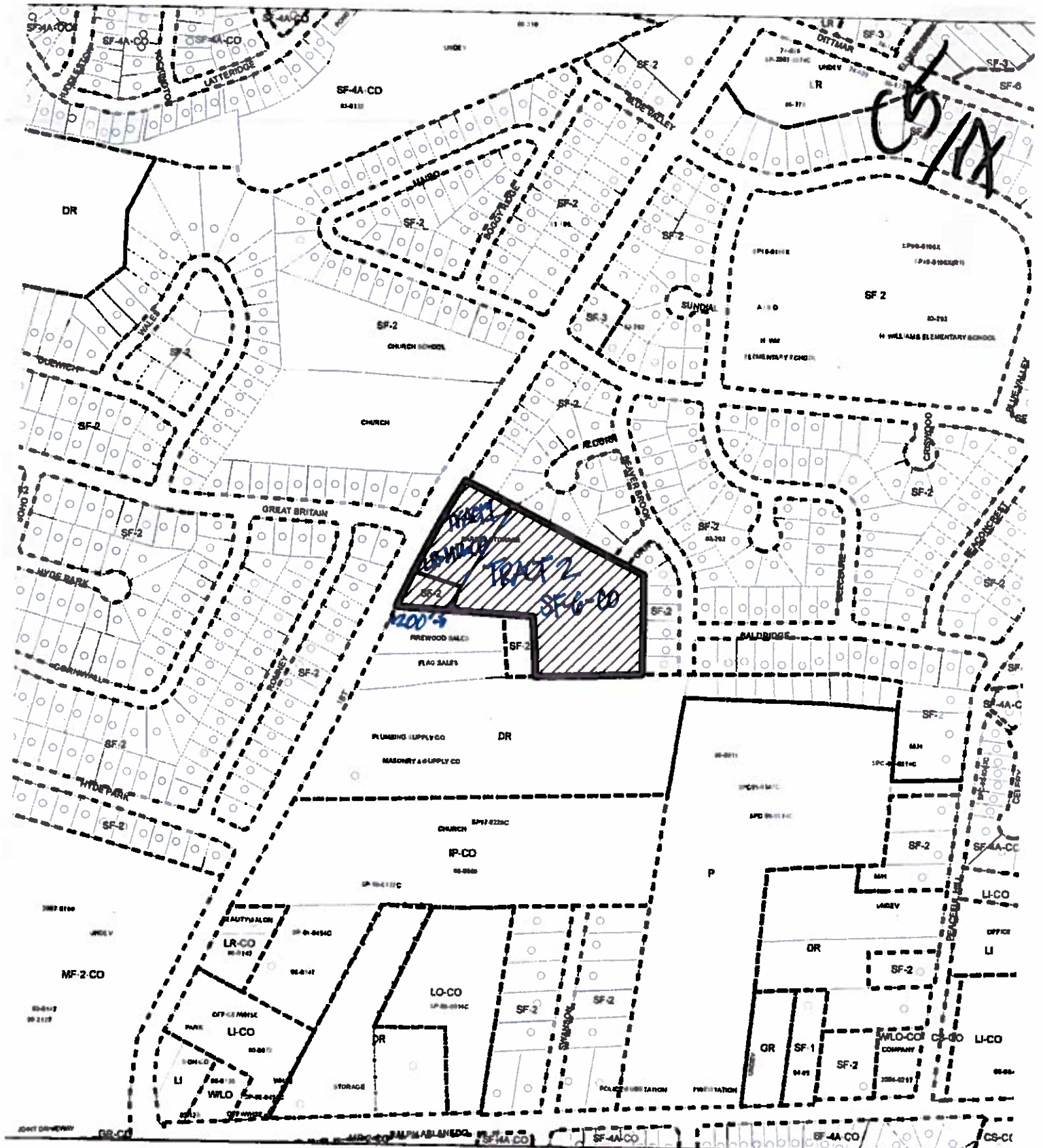


EXHIBIT A




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.







1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2012-0060

Exhibit B
STAFF RECOMMENDATION

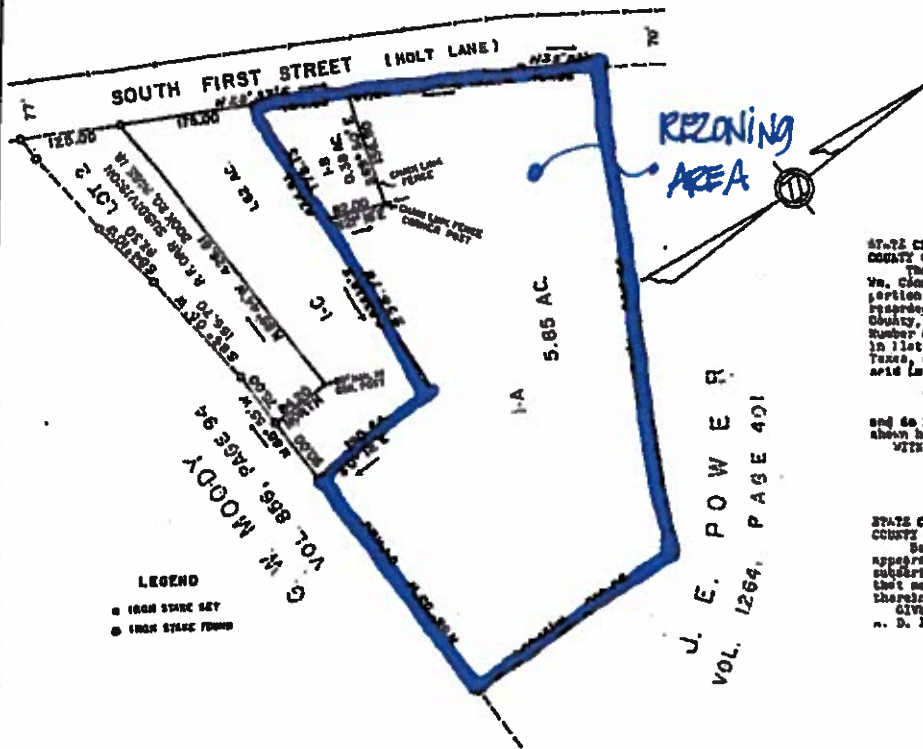
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



RESUBDIVISION OF LOT 1. OF THE P. F. ORR SUBDIVISION

CG 1/2



STATE OF TEXAS: KNOW ALL MEN BY THESE PRESENTS: That I, P. F. Orr, owner of that 7.85 acres of land out of the Wm. Clenden Long Survey / 19 in Travis County, Texas, and being a portion of that 30.66 acres of land as conveyed to me by deed as recorded in Volume 1264, Page 401, of the Public Records of Travis County, Texas, said 7.85 acres of land being designated as Lot Number One of the P. F. Orr Subdivision, a subdivision of record in Plat Book 20, Page 18, of the Public Records of Travis County, Texas, do hereby agree this day of September A.D. 1968 to be known as and designated as

RESUBDIVISION OF LOT 1 OF THE P. F. ORR SUBDIVISION and do hereby dedicate to the public all streets and easements as shown hereon. WITNESS MY HAND this 18th day of September A.D. 1968

STATE OF TEXAS: COUNTY OF TRAVIS: Before me, the undersigned authority, on this day personally appeared P. F. Orr, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed. GIVER UNDER MY HAND AND SEAL OF OFFICE this 18th day of September A. D. 1968.

Notary Public in and for Travis County, Texas

APPROVED FOR ACCEPTANCE

John H. Hensley date Sept 18 A.D. 1968
John H. Hensley, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD

By the Planning Commission of the City of Austin, this the 22 day of September A. D. 1968

Franklin D. Brown Robert H. Hensley
Vice Chairman Chairman

FILED FOR RECORD

at 5:30 o'clock P. M. on the 24 day of September A. D. 1968
Alice Nellie Linberg, Clerk, County Court, Travis County, Texas
By Franklin D. Brown

STATE OF TEXAS:

COUNTY OF TRAVIS: I, Alice Nellie Linberg, County Clerk of Travis County, Texas, do hereby certify that on the 18 day of September A.D. 1968, the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order had been duly entered in the minutes of said Court in Book 94, Page 94. WITNESS MY HAND AND SEAL OF THE COURT of said County, this the 18 day of September A.D. 1968
Alice Nellie Linberg, Clerk, County Court, Travis County, Texas
By Franklin D. Brown
Deputy

STATE OF TEXAS:

COUNTY OF TRAVIS: I, Alice Nellie Linberg, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the foregoing instrument or writing with the official seal of authentication was filed for record in my office on the 24 day of September A.D. 1968 at 5:30 o'clock P. M. and duly entered on the 24 day of September A.D. 1968 at 5:30 o'clock P. M. in the Public Records of said County and State in Plat Book 1264, Page 401. WITNESS MY HAND AND SEAL OF THE COURT of said County the date last written above.
Alice Nellie Linberg, Clerk, County Court, Travis County, Texas.
By Franklin D. Brown

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads or other public thoroughfares shown on this plat, or any bridges or culverts necessary to be placed in such streets, roads or other public thoroughfares, or in connection therewith shall be the responsibility of the owner and/or the developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no responsibility to build any of the streets, roads or other public thoroughfares shown on this plat, or any bridges or culverts in connection therewith.

SEPTIC TANK NOTE:

Each building constructed in this subdivision shall be connected to a septic tank with a capacity of not less than five hundred (500) gallons and a drain field of not less than one hundred and fifty (150) feet, and shall be installed in accordance with the regulations of the City-County Health Officer and shall be inspected and approved by such Officer.

No lot in this subdivision shall be occupied until water satisfactory for human consumption is available from a source on the land, a community source or a public utility source in adequate and sufficient supply for family use and the operation of a septic tank system.

This certifies that I have complied with section 23.27 of the City Code of the City of Austin of 1954.



SURVEYED SEPTEMBER 6, 1968
METCALFE ENGINEERING COMPANY
BY Marlton O. Metcalfe
MARLTON O. METCALFE
REGISTERED PUBLIC SURVEYOR #53
AUSTIN, TEXAS

F.B. 490, P 30
PLAN 8162

SCALE 1" = 100'

CB-68-156

EXHIBIT C
RECORDED PLAT

C5
19**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning for the South 1st Street frontage to a depth of 200 feet (Tract 1), and townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning for Tract 2, the remainder of the property, as shown in Exhibit B. The Conditional Overlay limits the number of vehicle trips to no more than 2,000 per day, and limits vehicular access to Orr Drive to emergency only.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Applicant's Request: The purpose statement per the City of Austin Land Development Code states: "The proposed GR, community commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways." The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Staff Recommendation:

Tract 1: The LR-CO, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

Tract 2: 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 an orderly and compatible relationship among land uses.*

Staff recommends creating two zoning tracts for the site. Please refer to Exhibit B. The South 1st Street frontage to a depth of 200 feet would be zoned neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district (approximately 2.16 acres – Tract 1), while the remainder of the site would be zoned townhouse and condominium residence – conditional overlay (SF-6-CO) zoning (approximately 4.07 acres – Tract 2). Neighborhood commercial zoning is appropriate for Tract 1 given its location on an arterial roadway. Tract 2 serves as a transition in land use between the single family residences within the Beaconridge subdivision to the east and the proposed commercial tract on South 1st Street, and townhome / condominium (SF-6) uses further

diversifies the housing options available in this area. The Conditional Overlay limits development to 2,000 vehicle trips per day for Tracts 1 and 2, and limits Orr Drive to emergency access only.

EXISTING CONDITIONS

Site Characteristics

The subject property is developed with construction sales and services uses. The site is relatively flat with an approximate 3% - 6% grade draining to the northeast corner of the tract. There appear to be no significant topographical constraints.

Impervious Cover

The maximum impervious cover allowed by the *GR-MU* and the *LR-MU* zoning districts would be 80%, which is a consistent figure between the *zoning and watershed* regulations.

The maximum impervious cover allowed by *SF-6* zoning district is 55%, 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 South Boggy 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%

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.

Numerous 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

Additional right-of-way may be required at the time of subdivision and/or site plan.

If the requested zoning is granted, it is recommended that access to Orr Drive be restricted to emergency vehicle use only as a condition of zoning because it is a local street that primarily serves single-family uses.

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 his 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 and Compatibility Standards

Any new development on this site 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 boundary lines adjoining properties zoned SF-5 or more restrictive, 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 (LDC 25-2-1063).

A fence, berm, or dense vegetation must be provided to screen adjoining residential properties from views of parking, mechanical equipment, storage, and refuse collection (LDC 25-2-1066). Additional design regulations will be enforced at the time a site plan is submitted.



C5/13

October 15, 2012

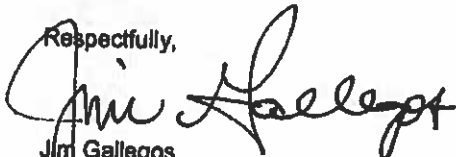
City of Austin – Zoning
Planning and Zoning Commission
505 Barton Springs Road
Austin, Texas 78704

RE: C14-2012-0060 - 8401 South 1st Street
Austin, Texas

Planning and Zoning Commission

The applicant would like to request a two week postponement. We have very recently received a couple of questions regarding our zoning application and need the additional time to answer the questions.

Respectfully,



Jim Gallegos
Aquila Commercial

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.austintexas.gov

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: C14-2012-0060

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: October 16, 2012, Zoning and Platting Commission
November 8, 2012, City Council

VINCENT J. TOBOLA

Your Name (please print)

1614 GREAT BRITAIN BLVD
1704 LAUREL

☒ I am in favor
☐ I object

Your address(es) affected by this application

Vincent J. Tobola

10-8-12

Date

Signature

Daytime Telephone: 254 750 8066

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

C5
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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: C14-2012-0060

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: October 16, 2012, Zoning and Platting Commission
November 8, 2012, City Council

DONALD VOGELMAN

Your Name (please print)

1615 MAIRO ST, AUSTIN, TX 78748

Your address(es) affected by this application

Donald Vogelmann

Signature

Daytime Telephone: 512-282-2123

Date

10-9-12

☐ I am in favor
☒ I object

Comments: I ENJOY THIS COMMUNITY JUST

THE WAY IT IS WITHOUT ANY MAJOR

CHANGES AND ADDITIONAL TRAFFIC.

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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Case Number: C14-2012-0060

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: October 16, 2012, Zoning and Platting Commission
November 8, 2012, City Council

CAROLE F. VOGELMAN

Your Name (please print)

1615 MAIRO ST, AUSTIN, TX 78748

Your address(es) affected by this application

Carole F. Vogelmann

Signature

Daytime Telephone: 512-282-2123

Date

10-18-12

☐ I am in favor
☒ I object

Comments: PLEASE DO NOT CHANGE THE
ZONING, LEAVE IT LIKE IT IS. WE
DON'T WANT ANY MORE DEVELOPMENT
IN OUR NEIGHBORHOOD.

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