### **ZONING CHANGE REVIEW SHEET**

<u>CASE:</u> C14-2012-0060 – 8401 South 1<sup>st</sup> Street <u>Z.A.P. DATE:</u> October 16, 2012

November 6, 2012

**ADDRESS:** 8401 South 1<sup>st</sup> Street

**OWNER:** PV First Street Investors LLC **AGENT:** Aquila Commercial

(Joe Simmons) (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 1<sup>st</sup> 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 – 2<sup>ND</sup>] (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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> Street to the west (SF-2). The Imagine Austin Growth Concept Map identifies South 1<sup>st</sup> 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).

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 1<sup>st</sup> 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 1<sup>st</sup> 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		
Site	DR; SF-2	Construction sales and services		
North	SF-2	Single family residences in the Beaconridge 3 subdivision		
South	SF-2; DR	Firewood sales; Flag and flagpole sales; Plumbing supply company, Masonry supply company; Church		
East	SF-2	Single family residences in the Beaconridge 3 subdivision		
West	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

627 – Onion Creek Homeowners Assoc. 742 – A 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

# **SCHOOLS:**

Williams Elementary School

Bedichek Middle School

Crockett High School

# **CASE HISTORIES:**

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

# **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?
İ	South 1 <sup>st</sup> Street	75 feet	MNR 4	Arterial	Yes	Yes	No

**<u>CITY COUNCIL DATE:</u>** November 8, 2012

**ACTION:** 

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

 $3^{rd}$ 

**ORDINANCE NUMBER:** 

**CASE MANAGER:** Wendy Rhoades

**PHONE:** 974-7719

e-mail: wendy.rhoades@austintexas.gov



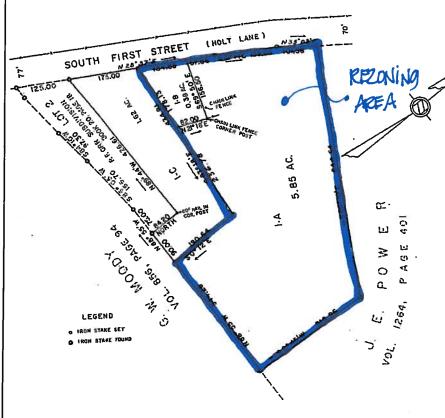
by the City of Austin regarding specific accuracy or completeness.





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



SIRTE OF TEXAS;
COUNTY OF TRAVES: KNOW ALL MEN BY THESE IRESENTS:
That I F. F. Orr, owner of that 7.85 acres of land out of the
Ma. Cannon Leegue Survey # 19 in Travis County, Texas, and being a
jortion of that 90.56 acres of land ac conveyed to us by deed as
recorded in Volume 1264, Fage 401, of the Deed Records of Travis
County, Texas, said 7.85 acres of land being designated as Lot
Runber One of the F. Y. Crr Subdivision, as ubdivision of record
in lat Book 20, lage 18, of the slot Records of Travis County,
Texas, do Receiv adopt this acr of plants as y resubdivision of
arid Lot Kuaher One, to be known as and designated on

" RESURDIVISION OF LOT 1 OF THE F. F. ORR SUBDIVISION "

and do hereby dedicate to the Fublic all Streets and casements as about hereon.

MITAESS MY HAND this the set day of several A.D. 196 A.D. 1965

STATE OF TEARS:
CCUNTY OF TRAVIS:
Before ke, the undersigned authority, on this day personally
sepaced ke. F. Ger, known to see to be the person whose mass is
subscribed to the foregoing instrument, and the schnowledged to se
that he executed the wire for the purposes and consideration
therein expressed.
CIVEY UNDER EY MARD AND SAAL OF OFFICE this there'day of personal consideration
To be 1568.

Actory Jubile in and for Travis County, Texus

AFPHOVED FOR ACCEPTANCE: State Comments of Flanning 

ACCEPTED AND AUTHORIZED FOR RECORD:

By the Flanning Consistion of the City or Austin, this the 20 day of

A.C. 2568

Wice Grainer

Vice Grainer

FILED FOR HEATHD:

At 25 Spiciock Ph. on the 2 day of Solf ...

his polite limbery Clerk, County Court, Fravty County,

By Allery All

STATE OF TEXAS:
COUNTY OF TRAVES:
Likes Exile Lieberg, County Clerk of Travis County, Texas, do hereby
Likes Exile Lieberg, County Clerk of Travis County, Texas, do hereby
certify that on the 16 cay of County, Texas, Dissed an order authorizing the
filing for record of this flat and that esid order has been duly entered in
the minutes of said Court in Book 3
Year of Texas, Texa

by Stuart Harris

STATE OF TEXAS:

COUNTY OF TRANS:

I, kies Ealle Lixberg, Clerk of the County Court within and for the I, kies Ealle Lixberg, Clerk of the County and State aforesaid, do hereby contify that the foregoing instrument of writing with the occurring to go unbearing the county and State for macrid in captifice on the 2 day of 10 A.D., 1968 at 25 0 clock [A]. And 1968 at 15 0 clock [A]. In the International of State of the County and State in that the occupant of the County of State of the County of State of the Wilst State of the State of the County County the date last written above.

Niss could be shown that the County County County, Texas.

F.B. 490, P. 30 PLAN 8162 In approving this list by the Convissioners Court of Travis County, Texas, it is understood that the building of all Streets, Roads or other bublic the purpose shown on this list, or any bridges, or culverts necessary to the placed in such Streets, Hands or other bublic Throughfures, or in connection therewith skall be the responsibility of the owner shed/or the developer of the treet of land covered by this list in accordance with glams and specifications prescribed by the Commissioners Court or Travis County, Texas, and the Commissioners Court or Travis County, Texas, assumes no responsibility to build ony of the Streets, Roads or other invite Thoroughfores shown on this list, or any bridges or culverts in connection therewith.

SEFTIC TARK NOTE:

Each building constructed in this subdivision shall be connected to a

Each to the a capacity of not less than five hundred (500) gallons
end 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 occurred until water astisfactory for human consumption is available from a source on the land, a communit 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 couplied with section 23.27 of the City Gode of the City of Austin of 1954.





SURVEYED SEPTEMBER 6, 1968 METCALFE ENGINEERING COMPANY BY: Martin O. OM Etraile

MARLTON O. METCALFE REGISTERED PUBLIC SURVEYOR # 55 AUSTIN, TEXAS

SCALE | " = 100'

C85-68-156

# **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning for the South 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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:

Development Classification	% of Net Site Area	% with Transfers	
Single-Family	50%	60%	
(minimum lot size 5750 sq. ft.)			
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.



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,

Jm Gallegos

quila 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

21-8-01 Mam in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the Public Hearing: October 16, 2012, Zoning and Platting Commission date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your ☐ I object 7508066 BRITAIN BLUD November 8, 2012, City Council If you use this form to comment, it may be returned to: TOBOLA Contact: Wendy Rhoades, 512-974-7719 Planning & Development Review Department Your address(es) affected by this application Signature 254 Case Number: C14-2012-0060 Your Name (please print) Austin, TX 78767-8810 listed on the notice. ween Daytime Telephone: Wendy Rhoades City of Austin P. O. Box 1088 Comments:

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.

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

— ☐ I am in favor 【 I object	10-9-12 Date	ITY LUST	みみずずくし。	
Your Name (please print)  Your Mame (please print)  Your May Ro ST. AV STUM, TX 9874	Your address(es) affected by this application  Your address(es) affected by this application  Signature	Daytime Telephone: SIC COMMUNITY LOST COmments: I ENJOY THIS COMMUNITY LOST	CHANGES AND APDITIONAL TRAFFIC.	
Your Name	Your addr	Daytime T Comments	CHAN	

DON'T WANT ANY MORE DEVIELOP MEN

IN OUR KEICHORHOOD,

comments should include the board or commission's name, the scheduled ☐ I am in favor 10-18-12 Written comments must be submitted to the board or commission (or the Public Hearing: October 16, 2012, Zoning and Platting Commission date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your X I object Comments: PLEASE DO NOT CHANGE THE ZOMING, LEAVE IT LIKE IT IS Le 15 MALROST., AUSTIK TX 18148. Your address(es) affected by this application November 8, 2012, City Council Carole O. Vegelman Daytime Telephone: 572 - A82 - 2123 CAROLE T. VOCELMAN Contact: Wendy Rhoades, 512-974-7719 Case Number: C14-2012-0060 Your Name (please print) listed on the notice.

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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Planning & Development Review Department

City of Austin

Wendy Rhoades P. O. Box 1088

Austin, TX 78767-8810