

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0101  
Upscale Woman's Boutique

**P.C. DATE:** 10/22/13

**ADDRESS:** 501 Oakland Avenue

**AREA:** 0.126 acres

**APPLICANT:** Stacy C. Smith

**AGENT:** Land Answers, Inc. (Jim Wittliff)

**NEIGHBORHOOD PLAN AREA:** Old West Austin

**CAPITOL VIEW:** Yes

**T.I.A.:** Waived – See the Transportation  
Reviewers comments.

**WATERSHED:** Lady Bird Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** LO-V-NP, Limited Office, Vertical Mixed Use, Neighborhood Plan

**ZONING TO:** GR-V-CO-NP, Community Commercial, Vertical Mixed Use, Conditional Overlay, Neighborhood Plan.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends GR-V-CO-NP, Community Commercial, Vertical Mixed Use, Conditional Overlay, Neighborhood Plan. The Conditional Overlay would prohibit Drive-thru Service as an accessory use and prohibit the following uses - Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, Bail Bond Services, Commercial Off-street Parking, Exterminating Services, Funeral Services, Outdoor Sports and Recreation, Pawn Shop Services, Restaurant (General), Service Station, Day Care Services, Residential Treatment and Urban Farms.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for GR-V-CO-NP zoning was approved on the consent agenda by Commissioner Richard Hatfield's motion, Commissioner Jean Stephens seconded the motion on a vote of 7-0; Commissioner's Dave Anderson and Alfonso Hernandez were absent.

### **DEPARTMENT COMMENTS:**

This property is located within the Old West Austin Neighborhood Plan (OWANP). The property is developed with a single family structure that is currently vacant. The applicant is proposing to utilize the structure for retail sales of apparel. The subject property located on 5<sup>th</sup> Street which is identified as an "Activity Corridor" on the Imagine Austin's Growth Concept Map. Activity corridors are defined as locations for additional people and jobs above what currently exists on the ground. They are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate without having to traveling far distances. The OWANP states, "The neighborhood planning team has identified 'neighborhood friendly' commercial areas where office, retail, and residences can be mixed vertically and horizontally. These areas include West 5<sup>th</sup> and 6<sup>th</sup> Streets between Lamar and Mopac. The applicant has met with the Old West Austin Neighborhood Association and has reached a mutual agreement which resulted in a resolution for the neighborhoods support of the rezoning from LO-V-NP to GR-V-CO-NP. The letter of support (attached) has a list of prohibited uses which are incorporated into the staff recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	LO-V-NP	Vacant Single Family Residence
<b>NORTH</b>	LO-NP	Office
<b>SOUTH</b>	LI-CO-NP	Automotive repair
<b>EAST</b>	LR-V-NP	Office
<b>WEST</b>	CS-MU-V-CO-NP	Day care

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2012-0008 300 Pressler St.	From LI-CO to CS-CO	Approved CS-CO [Vote: 7-0]	Approved CS-CO [Vote: 7-0]
C14-2006-0176 504 Oakland Ave.	From "MF-4-NP to LO-NP	Approved LO-NP [Vote 7-0]	Approved LO-NP [Vote 9-0]

**BASIS FOR RECOMMENDATION:**

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

Granting Community Commercial, Vertical Mixed Use, Conditional Overlay, Neighborhood Plan (GR-V-CO-NP) would be in keeping with the adjacent uses and zoning to the east, west and south.

**NEIGHBORHOOD ORGANIZATION:**

- Austin Neighborhoods Council
- West End Alliance
- Old West Austin Neigh. Assoc.

**SCHOOLS:**

Matthews Elementary School.  
O Henry Middle School.  
Austin High School.

**SITE PLAN:**

- SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use and is located on West 5<sup>th</sup> Street, which is a Core Transit Corridor. Additional comments will be made when the site plan is submitted.
- SP 2. The site is subject to compatibility standards. Compatibility notes will be required on the site plan. Additional design regulations will be enforced at the time a site plan is submitted.

SP 3. The site is within the Old West Austin Neighborhood Planning Area; the West Line National Register Historic District; and the Mopac Bridge/#31 Capitol View Corridor. If any changes are proposed to the exterior or structure additional review will be required.

### **ENVIRONMENTAL:**

1. The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Ladybird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **TRANSPORTATION:**

- TR1: No additional right-of-way is needed at this time.
- TR2. 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]
- TR3. W. 5<sup>th</sup> Street is classified in the Bicycle Plan as Route No. 52. Oakland Avenue is not classified in the Bicycle Plan.
- TR4. Capital Metro bus service (Routes No. 22, 122, LA) is available along W. 5<sup>th</sup> Street. Capital Metro bus service is not available along Oakland Avenue.
- TR5. There are existing sidewalks along Oakland Avenue and W. 5<sup>th</sup> Street.
- TR6. Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.
- TR7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Oakland Avenue	50'	30'	Local	N/A
West 5 <sup>th</sup> Street	60'	MAU-4	Arterial	23,086

### **COMPERHENSIVE PLAN:**

This zoning case is located on the east corner of Oakland Avenue, on the north side of 5<sup>th</sup> Street. This property is approximately .12 acres in size and contains a converted house utilized by the Texas Highway Patrol Association. This case is also located within the boundaries of the Old West Austin Neighborhood Planning Area. Surrounding land uses include a small office building in converted houses to the north and east, a daycare center to the west, and an auto body complex to the west. The proposed use is a retail store selling women's clothing.

#### **Old West Austin Neighborhood Plan**

The Old West Austin Neighborhood Plan (OWANP) is one of the few neighborhood plans that does not have a Future Land Use Map. The OWANP identifies this property as being located in the South of Sixth Street District, while 5<sup>th</sup> Street is identified as one of three principal commercial corridors in the OWANP (p 19). Page 12 of the OWANP lists of number of overall goals for this planning area, with the top goal being to 'Encourage mixed uses' (p 12.). The OWANP states, "The neighborhood planning team has identified 'neighborhood friendly' commercial areas where office, retail, and residences can be mixed vertically and horizontally. These areas include West 5<sup>th</sup> and 6<sup>th</sup> Streets between Lamar and Mopac ..." [two other areas are mentioned] (p 23)

The following Goal and Objective found on page 24 of the OWANP also seems to support this project:

Goal 2 - Protect the Character of the Neighborhood

Obj 2.1 – Encourage commercial uses that support the neighborhood.

#### **Imagine Austin**

The property is located over the Edwards Aquifer Recharge Zone, as identified on the Imagine Austin's Environmental Resources Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer.

The property is also located along an '**Activity Corridor**', (5<sup>th</sup> Street) as identified on the Imagine Austin's Growth Concept Map. Activity corridors are defined as locations for additional people and jobs above what currently exists on the ground. They are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

The IACP supports developing a variety of land uses throughout Austin, including commercial, to promote 'complete communities', and 'compact and connected development' but also directs that special consideration be taken when developing over environmentally sensitive lands as demonstrated in the following IACP policies:

- **CE P2.** Conserve Austin's natural resources systems by limiting development in sensitive environmental areas, including the Edwards Aquifer, its contributing and recharge zones, and endangered species habitat.

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a **compact and connected city** in line with the growth concept map.
- **LUT P3.** Promote development in **compact centers, communities, or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **N P1.** Create **complete neighborhoods** across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this commercial project being: (1) supported by text, goals and objectives in the Old West Austin Neighborhood Plan, that supports neighborhood serving commercial uses along 5<sup>th</sup> Street; (2) located along a designated 'Activity Corridor', as identified on the Imagine Austin Growth Concept Map, which supports a mix of land uses, including retail; and (3) the Imagine Austin policies referenced above that supports the creation of complete communities via the promotion of a variety of land uses, staff believes that the proposed retail land uses is compliance with the Imagine Austin Comprehensive Plan as long as environmental ordinances are enforced over this environmentally sensitive area.

**CITY COUNCIL DATE:** November 21st, 2013

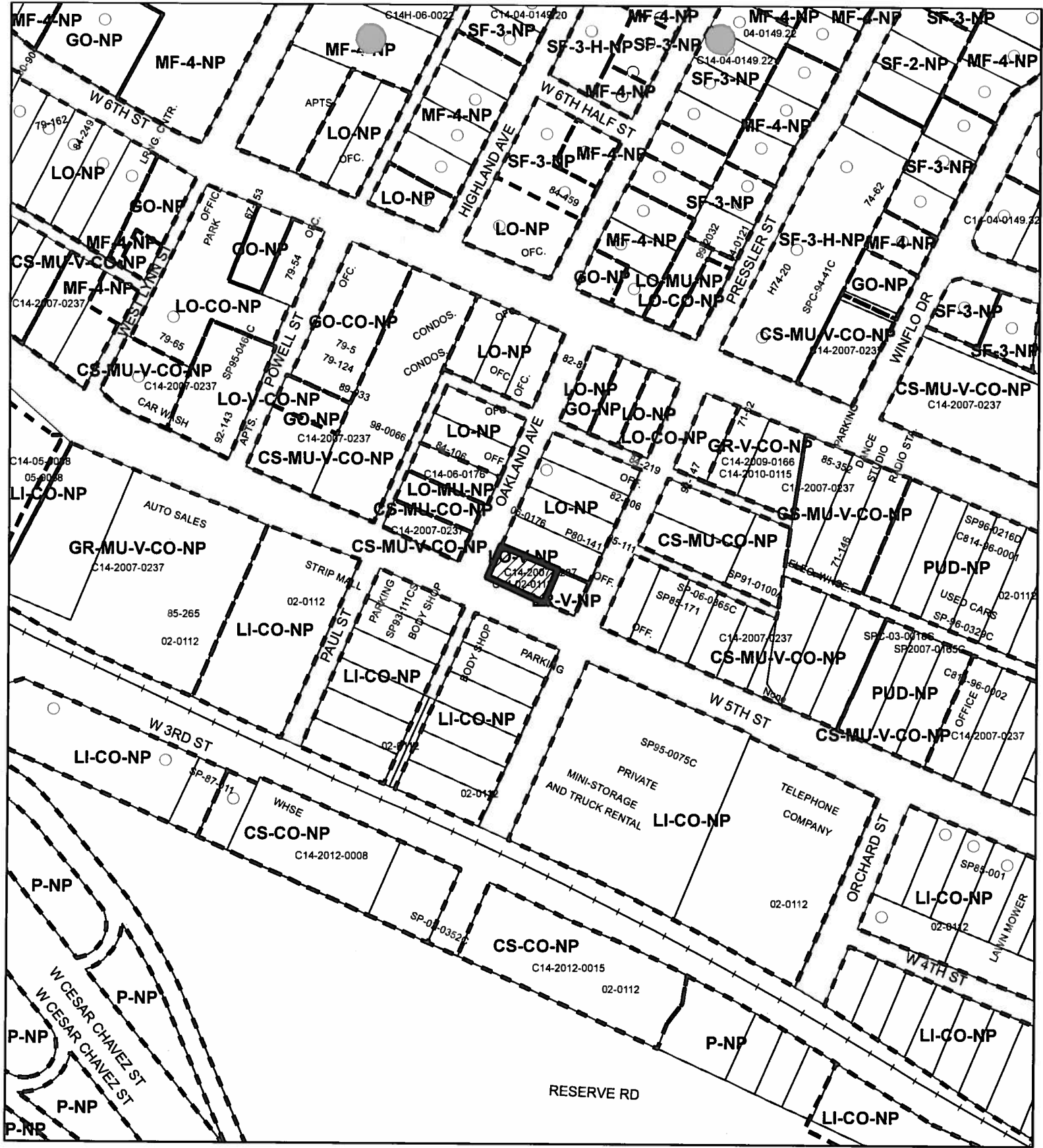
**ACTION:**

**ORDINANCE READINGS:**      1<sup>ST</sup>      2<sup>ND</sup>      3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

## ZONNING

### CASE#: C14-2013-0101

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.

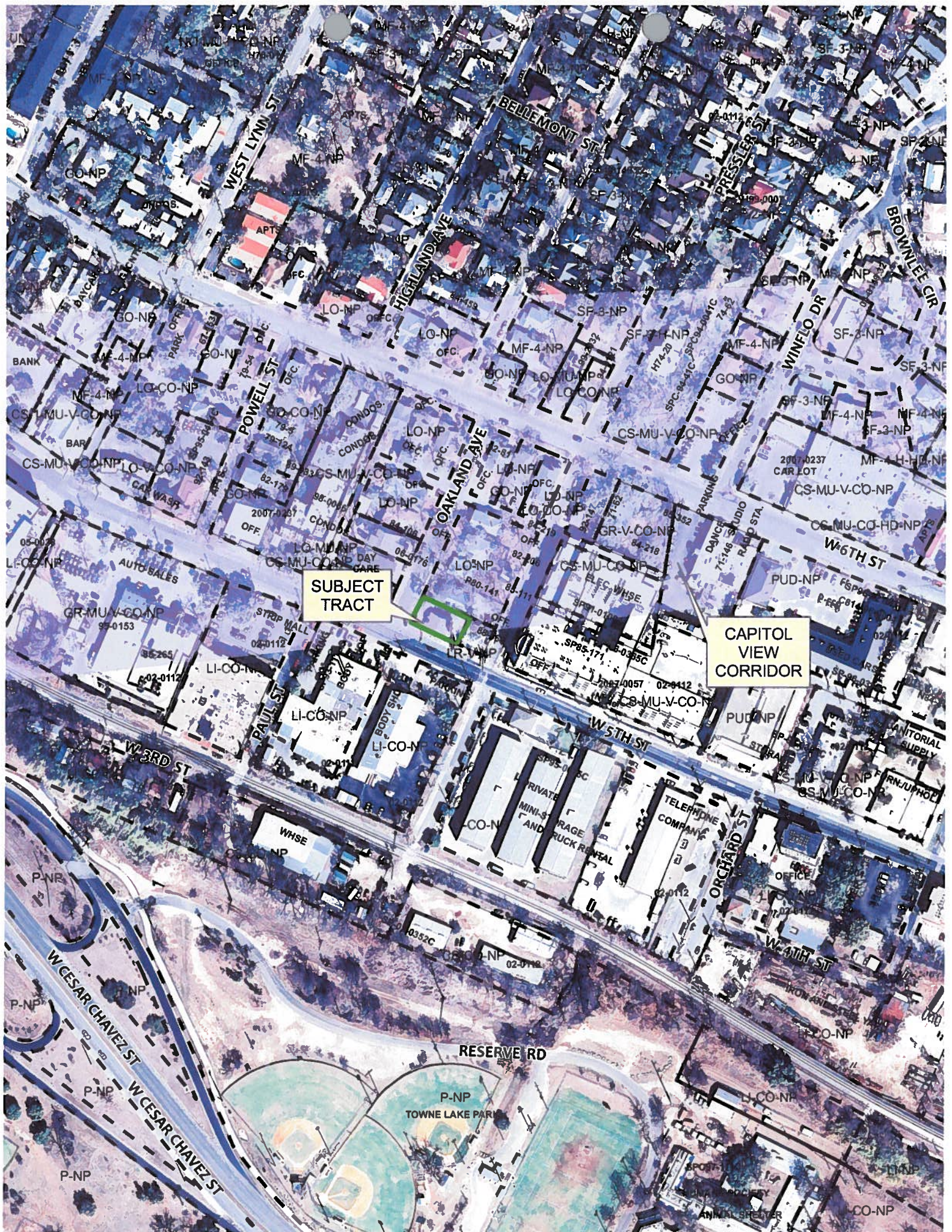
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.











SUBJECT TRACT

CAPITOL VIEW CORRIDOR





01 Oakland Ave, Austin, TX 78703, USA

Google earth

feet 10  
meters 3







501 Oakland Ave, Austin, TX 78703, USA

© 2013 Google  
© 2013 Google

Google earth

Google earth





Date: October 15, 2013

To: Clark Patterson, Case Manager

From: OWANA, Old West Austin Neighborhood Association

Subject: Letter of Support  
Zoning Case No. C14-2013-0101  
501 Oakland Avenue

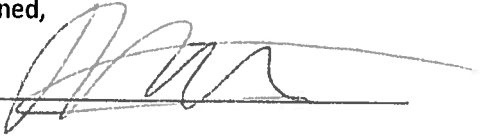
On behalf of Old West Austin Neighborhood Association (OWANA) the Steering Committee on Oct 7<sup>th</sup> approved a resolution in support of the proposed rezoning of the referenced property from LO-V-NP to GR-V-CO-NP, based on the following list of prohibited and restricted land uses, which have been mutually agreed to by the property owner and the neighborhood, and which will be incorporated into a Conditional Overlay on the rezoning ordinance:

- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Bail Bond Services
- Commercial Off-street Parking
- Exterminating Services
- Funeral Services
- Outdoor Sports and Recreation
- Pawn Shop Services
- Restaurant (General)
- Service Station
- Day Care Services
- Residential Treatment
- Urban Farms
- We will also prohibit all Drive-thru Services and prohibit a late hours permit for selling alcohol.

OWANA and the Property Owner are currently negotiating the terms of a Restrictive Covenant that further define the terms of agreement that OWANA desires to be incorporated into the rezoning ordinance. It is the desire of OWANA to preserve the diminishing stock of contributing historic properties within the Westline National Register Historic District and our neighborhood. OWANA supports this up zoning with stated limitations, with the express interest in keeping this historic structure intact. OWANA supports this rezoning with the provision the building square footage be limited to the area currently existing. OWANA additionally desires sidewalks along both street frontages be constructed prior to issuance of any certificate of occupancy.

We believe that smaller Retail uses such as a small specialty clothing store could benefit the neighborhood, whereas office uses such as insurance offices, CPAs or attorneys only tend to benefit the larger community. Thus, we feel that limited GR zoning can be beneficial to and can cooperatively coexist with the surrounding neighborhood experience.

Signed,

A handwritten signature in dark ink, appearing to read 'Larry Halford', is written over a horizontal line.

Printed Name: LARRY HALFORD

Title: ZONING COMMITTEE CHAIR. - SC MEMBER-OLUANA