

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-2017-0104 – 3812 S. First Street

**REQUEST:**

C14-2017-0104 – 3812 S. 1<sup>st</sup> Street – District 3 – Approve an ordinance on 2<sup>nd</sup> and 3<sup>rd</sup> readings amending City Code Title 25-2 by rezoning property locally known as 3812 South First Street (East & West Bouldin Creek Watersheds) from family residence (SF-3) to neighborhood commercial - mixed use (LR-MU) combined district zoning. Staff Recommendation: To grant neighborhood commercial - mixed use (LR-MU) combined district zoning. Council approved LR-CO-MU on 1<sup>st</sup> Reading October 5, 2017 on consent. Owner: Rahul and Shalini Singh. City Staff: Andrew Moore, 512-974-7604.

The 0.33-acre property is currently zoned SF-3 (single-family residence) district zoning and contains a single family structure and two associated out buildings. The applicant intends to rezone the property to LR-MU (neighborhood commercial – mixed-use) combining district zoning which is consistent with the two adjacent properties to the north (LR-MU & LO respectively) which the applicant owns and are used as a day care (Sun, Moon and Stars Learning Center). The existing structure at 3810 S. 1<sup>st</sup> Street will be remodeled and used as additional day care space.

South First Street is a designated Core Transit Corridor where mixed use zoning is appropriate.

**DISTRICT AREA:** 3

**PROPERTY OWNER:** Rahul and Shalini Singh

**AGENT:** Rahul Singh

**ISSUES:** None at this time.

**DATE OF FIRST READING/VOTE:** October 5, 2017/11-0

**CITY COUNCIL DATE:** October 19, 2017

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Andrew Moore

**PHONE:** 512-974-7604

**EMAIL:** andrew.moore@austintexas.gov

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2017-0104

**C.C. DATE:** October 5, 2017  
November 2, 2017

**ADDRESS:** 3810 S 1<sup>st</sup> Street

**OWNER/APPLICANT:** Rahul Singh

**AGENT:** Rahul Singh

**ZONING FROM:** SF-3                      **TO:** LR-MU

**AREA:** 0.33 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends the applicant’s request to rezone the subject property to LR-MU (neighborhood commercial – mixed-use) combining district zoning.

**PLANNING COMMISSION RECOMMENDATION:**

*SEPTEMBER 12, 2017: APPROVED LR-MU-CO ON CONSENT. VOTE 13-0 [P. SEEGER 1<sup>ST</sup>, J. SHIEH 2<sup>ND</sup>]. THE CONDITIONAL OVERLAY TO PROHIBIT A SINGLE FAMILY RESIDENTIAL USE.*

**CITY COUNCIL ACTION:**

*OCTOBER 5, 2017 – APPROVED LR-MU-CO ON 1<sup>ST</sup> READING ON CONSENT. VOTE 11-0 [CM POOL 1<sup>ST</sup>, CM RENTERIA 2<sup>ND</sup>].*

**DEPARTMENT COMMENTS:**

The 0.33-acre property is currently zoned SF-3 (single-family residence) district zoning and contains a single family structure and two associated out buildings. It is located within the Galindo Neighborhood which is part of the South Lamar Combined Neighborhood Planning Area (SLNA). The SLNA neighborhood plan is suspended so this property is not part of a Future Land Use Map (FLUM). South First Street is a designated Core Transit Corridor where mixed use development is appropriate.

The applicant intends to rezone the property to LR-MU (neighborhood commercial – mixed-use) combining district zoning which is consistent with the two adjacent properties to the north (LR-MU & LO respectively) which the applicant owns and are used as a day care (Sun, Moon and Stars Learning Center). The existing structure at 3810 S. 1<sup>st</sup> Street will be remodeled and used as additional day care space.

The subject property fronts South 1<sup>st</sup> Street, to which both ingress and egress access shall be taken. 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].

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>                |
|--------------|---------------|---------------------------------|
| <i>Site</i>  | SF-3          | Currently vacant                |
| <i>North</i> | LR-MU         | Day Care                        |
| <i>South</i> | CS-V          | Medical Offices                 |
| <i>East</i>  | LO-NP         | Apartments, Professional Office |
| <i>West</i>  | GR            | Professional Office             |



**STAFF RECOMMENDATION**

Staff recommends approval of the applicant’s request for LR-MU (neighborhood commercial – mixed-use) zoning.

**BASIS FOR RECOMMENDATION**

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

Neighborhood commercial (LR) 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. [LDC 25-2-97]

2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The subject property fronts South 1<sup>st</sup> Street, which is an arterial, where commercial base district zoning is appropriate. It is also a core transit corridor suitable for mixed use development. Single-family residence (SF-3) district zoning is more appropriate on internal, neighborhood roads.

**ADDITIONAL DEPARTMENT COMMENTS**

DSD – Transportation Review - Natalia Rodriguez – 512-974-3099

- TR1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.
- TR2. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR3. Staff recommends obtaining joint use access with the adjacent properties to S 1<sup>st</sup> Street in order to reduce curb cuts along S 1<sup>st</sup> Street.
- TR4. Janae Ryan, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR5. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for S 1<sup>st</sup> Street.
- TR6. FYI – Driveways, sidewalks, street trees, accessibility requirements, etc. shall comply with current Land Development Code and Criteria at the time of Subdivision and Site Plan Applications.
- TR7. Existing Street Characteristics:

| Name                     | ROW    | Pavement | Classification | Sidewalks | Bike Route       | Capital Metro (within ¼ mile) |
|--------------------------|--------|----------|----------------|-----------|------------------|-------------------------------|
| S 1 <sup>st</sup> Street | 92 ft. | 46 ft.   | Arterial       | Yes       | Yes, Shared Lane | Yes                           |

This zoning case is located on the west side of S. 1<sup>st</sup> Street, one lot away from SH 71, on a .34 acre property that contains a small single family house. The property is located in the Galindo Neighborhood Planning area, which does not have an adopted neighborhood plan. Surrounding land uses includes a small office building to the north (in a converted house); a two story regional clinic to the south; an apartment complex to the east; and a two story office building to the west. The proposed use is commercial.

### **Connectivity**

The Walkscore for this area is 68/100, 'Somewhat Walkable' meaning some errands can be accomplished on foot. There are public sidewalks located on both sides of S. 1<sup>st</sup> Street and several Cap Metro Transit stops within a few minutes' walk from this location.

### **Imagine Austin**

Imagine Austin identifies S. 1<sup>st</sup> Street as being located along an Activity Corridor. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and are characterized by a variety of activities and types of buildings located along the roadway. Based on the comparative scale of this site relative to other surrounding commercial and office uses along this busy commercial corridor, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed and in the East Bouldin Creek Watershed of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
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. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### **Compatibility Standards**

SP 4. The site is subject to compatibility standards. Along the east and west property lines, the following standards apply:

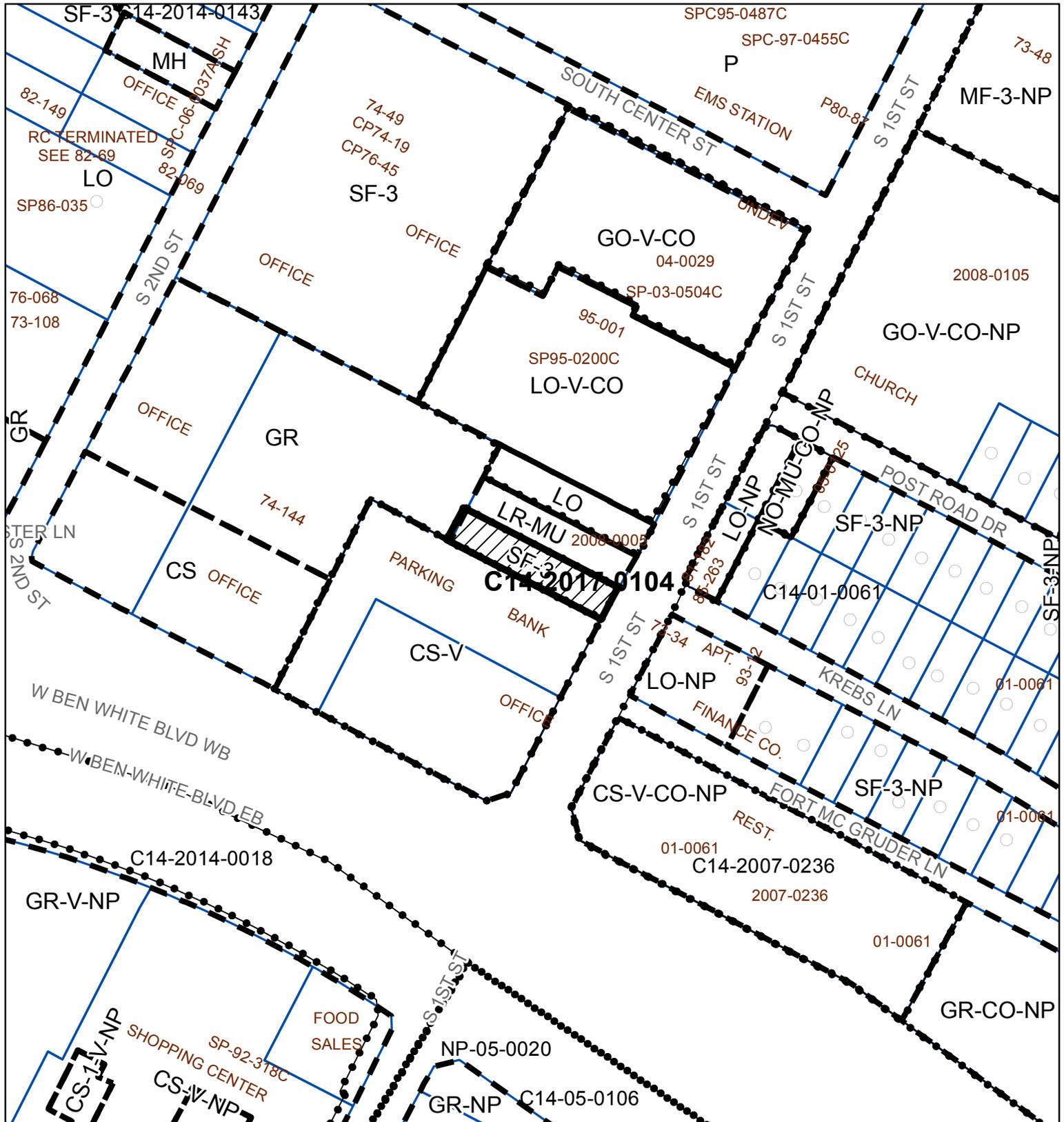
- No structure may be built within 15.5 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 15.5 feet of the property line.
- A landscape area at least 15.5 feet wide is required along 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional design regulations will be enforced at the time a site plan is submitted.

SP 5. FYI – This site is located within the Galindo Neighborhood Plan and the South Lamar Combined Neighborhood Planning Area. Additional comments may be generated during the site plan review process.

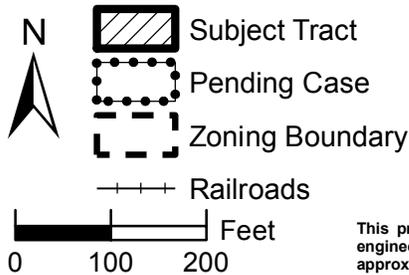
### **Water and Wastewater**

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan 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 Austin Water Utility. 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.



# ZONING

Case#: C14-2017-0104



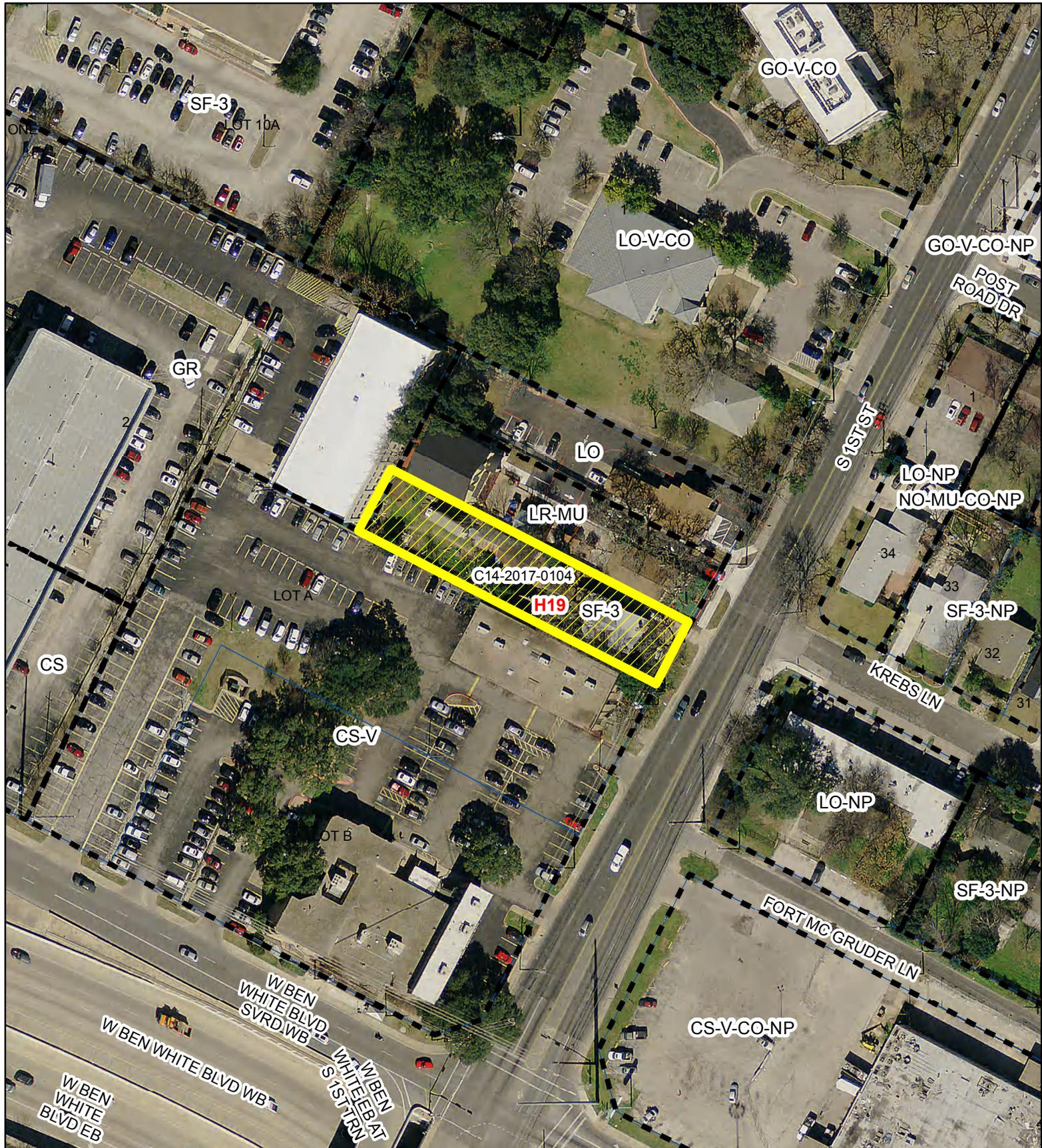
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 8/10/2017

1" = 200'



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY
-  CREEK BUFFER

**3812 SOUTH 1ST ZONING**

ZONING CASE#: C14-2017-0104  
 LOCATION: 3812 SOUTH 1ST  
 SUBJECT AREA: 0.334 ACRES  
 GRID: H19  
 MANAGER: ANDREW MOORE



1" = 100'

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.

**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/planning](http://www.austintexas.gov/planning).

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: C14-2017-0104  
 Contact: Andrew Moore, 512-974-7604  
 Public Hearing: Sep 12, 2017, Planning Commission  
 Oct 5, 2017, City Council

Casey Beasley  
 Your Name (please print)  I am in favor  I object  
 See below

Your address(es) affected by this application  
 Kerkoden 09/11/17  
 Signature Date

Daytime Telephone: 512 750-6838

Comments: I am the agent for the following:  
 - 3809 S. 2nd street  
 - 704 W. Ben White Blvd See highlighted Plan  
 - 3816 S. 1st Street  
 - 3828 S. 1st Street  
 We are in favor of the requested zoning change that allows for daycare use. We are NOT in favor of any future single family residential use.

If you use this form to comment, it may be returned to:  
 City of Austin  
 Planning & Zoning Department  
 Andrew Moore  
 P. O. Box 1088  
 Austin, TX 78767-8810

