

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0067 – 3504 S. 1st Street Rezoning

DISTRICT: 3

ZONING FROM: CS-CO

TO: CS-MU-V-CO

ADDRESS: 3504 South 1st Street

SITE AREA: 0.84 acres

PROPERTY OWNER:

Merc Properties LTD (Daryl Kunik)

AGENT:

Armbrust & Brown, PLLC (Richard Suttle)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends general commercial services – mixed use – vertical mixed use building – conditional overlay (CS-MU-V-CO) combining district zoning. The conditional overlay is to carry over existing prohibited uses. For a summary of the basis of staff's recommendation, see page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 28, 2020

Scheduled for Planning Commission

CITY COUNCIL ACTION:

August 27, 2020

Planned to be Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

Staff has received comments both in favor of and in opposition to this rezoning case. For all communication, please see *Exhibit C: Correspondence Received*.

CASE MANAGER COMMENTS:

This property is approximately 0.84 acres. Adjacent to the north is a tract zoned CS-V, to the east is South 1st Street and across South 1st Street are tracts zoned MF-3-NP and LR-CO-NP. Adjacent to the south is a tract zoned MF-3 and to the west is SF-3 zoning. This property is subject to an existing Ordinance (20070405-043) which limits the number of trips per day, caps

development on the property to 40 feet and prohibits a set of uses. The applicant is requesting to remove the trip limitations and building height restriction but carry over the existing list of prohibited uses. Those uses include the following:

| | |
|----------------------------------|--------------------------------|
| Adult-oriented businesses | Bail bond services |
| Automotive rentals | Commercial blood plasma center |
| Automotive repair services | Convenience storage |
| Automotive sales | Pawn shop services |
| Automotive washing (of any kind) | Vehicle storage |

BASIS OF RECOMMENDATION:

1. Zoning changes should promote compatibility with adjacent and nearby uses.

The applicant is requesting to rezone from CS-CO to CS-MU-V-CO. This property is in between CS-V and MF-3 zoned tracts. Allowing for a mix of uses on this site would help in transition between zoning districts. Additionally, this property is located on a Core Transit Corridor as defined by the current City Land Development Code specifically designated to allow for the Vertical Mixed Use Overlay District. Rezoning this property to CS-MU-V-CO would not be inconsistent with the existing land use pattern.

EXISTING ZONING AND LAND USES:

| | Zoning | Land Uses |
|-------|----------------------|---|
| Site | CS-CO | Single family |
| North | CS-V | Indoor and Outdoor Entertainment (event center) |
| South | MF-3 | Multifamily |
| East | MF-3-NP and LR-CO-NP | Multifamily and Administrative and Business Offices |
| West | SF-3 | Single family |

NEIGHBORHOOD PLANNING AREA: Galindo (suspended)

TIA: is deferred until site plan submittal if triggered.

WATERSHED: West Bouldin Creek and East Bouldin Creek (urban)

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards

SCHOOLS: Galindo Elementary, Lively Middle and Travis High Schools.

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Dawson Neighborhood Association
 Dawson Neighborhood Organization
 Dawson Neighborhood Plan Contact Team
 Friends of Austin Neighborhoods
 Galindo Area Patriotic People's Porch

Galindo Elementary Neighborhood Assn.
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Perry Grid 614
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group
 South Austin Commercial Alliance

AREA CASE HISTORIES:

| Number | Request | Commission | City Council |
|---|----------------------------|---|---|
| C14-2007-0238 Galindo Elementary Neighborhood Association Vertical Mixed Use (VMU) Zonings Addresses Vary | To add (-V) to base zoning | To grant adding (-V) | Approved zoning change (1/10/08) |
| C14-05-0024 Missing Link Cardinal Lane | From SF-3 to SF-6 | To grant SF-6-CO; CO included max. 30 units, max. 55% impervious cover, access to streets, no gated communities and City's Grow Green Landscaping guidelines. | Approved SF-6-CO; CO included max. 30 units, max. 10 units/acre, max. 55% impervious cover and access. (06-09-05) |
| C14-04-0006 Dawson Mixed Use Building 3507 S. 1 st Street | From LR-NP to LR-CO-NP | To grant LR-CO-NP; CO to make the following uses conditional: service station and drive through services as an accessory use. | Approved LR-CO-NP as recommended. (3/11/04) |

RELATED CASES:

C14-06-0194: This case rezoned (Ord. No. 20070405-043) the base zoning district from family residence (SF-3) district to general commercial services-conditional overlay (CS-CO) combining district. The CO included a trip limit, maximum height of 40 feet for buildings and list of prohibited uses.

EXISTING STREET CHARACTERISTICS:

| Street | ROW | Pavement | Classification | Sidewalks | Bike Route | Capital Metro (within ¼ mile) |
|--------------|-----|----------|----------------|-----------|-------------|----------------------------------|
| S 1st Street | 78' | 40' | ASMP Level 3 | Yes | Shared Lane | Yes |

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on the west side of South 1st Street, on a 0.84 acres property that contains a house. This property is also located in an area that does not have an adopted neighborhood plan but is located along the South 1st Activity Corridor and is 0.40 miles from the St. Edwards Neighborhood Center. Surrounding land uses include an event center to the north; to the south is an apartment building; to the east is an apartment complex and an office; and to the west are single family houses. Over the last decade, South 1st Street has experienced an acceleration in transitioning away from single family houses to a variety of commercial, office and multifamily uses along this heavily traveled thoroughfare. The proposal calls for a vertical mixed-use project with multifamily and retail uses.

Connectivity

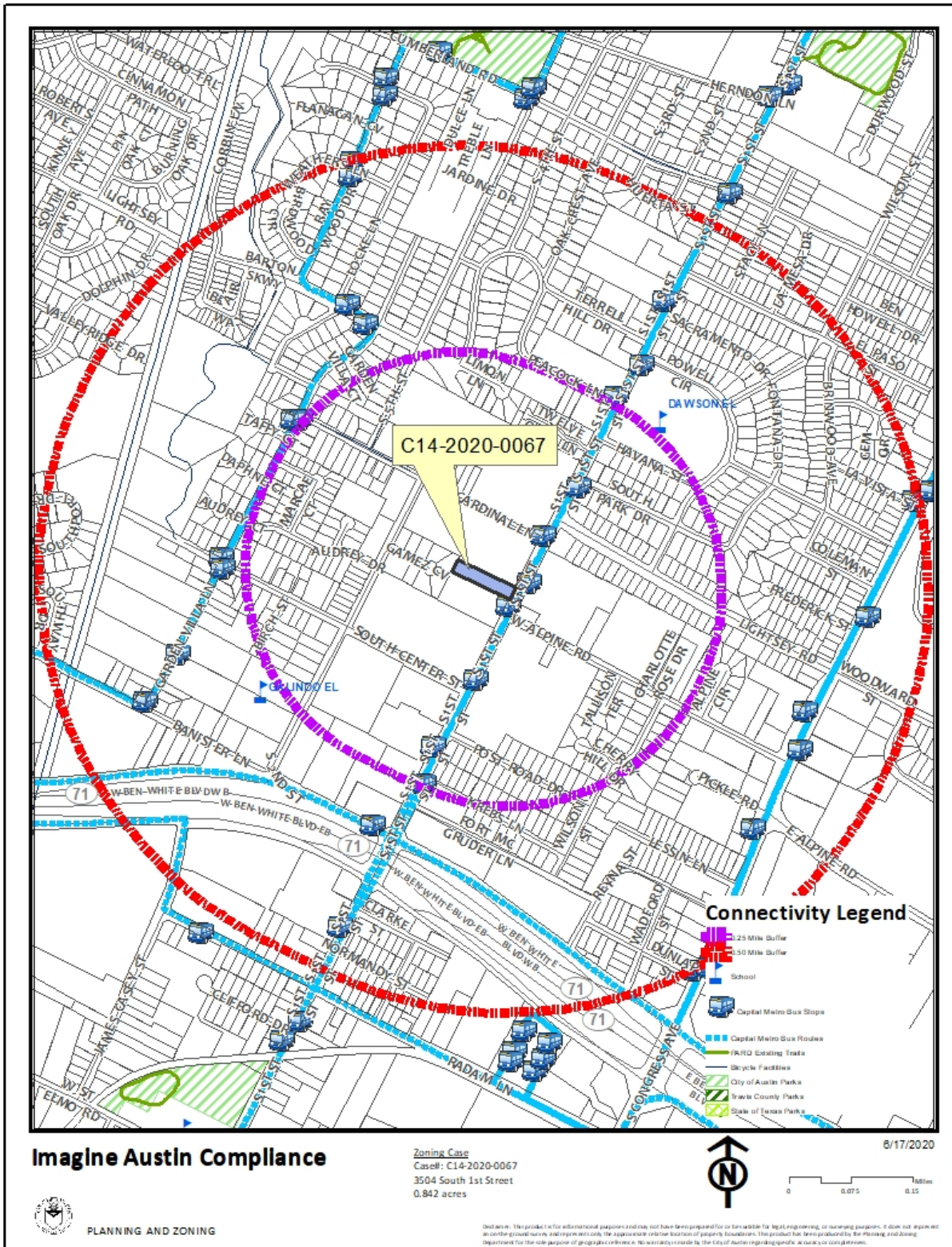
Public sidewalks are located along South 1st Street and a CapMetro stop is located within 150 feet walking distance of the subject property. Mobility options are average while connectivity options are fair.

Imagine Austin

The Imagine Austin Growth Concept Map found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an Activity Corridor. Activity Corridors are characterized by a variety of activities and buildings, which are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following IACP policies are relevant to this case:

- 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.
- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based upon this property being situated along an Activity Corridor, which supports mixed use, mobility strengths in the immediate vicinity; and the applicable Imagine Austin policies above, this project supports the Imagine Austin Comprehensive Plan.



Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located within the West Bouldin Creek and East Bouldin Creek Watersheds of the Colorado River Basin, which are both classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. The site is subject to Interbasin Diversion requirements of the Land Development Code, such that a proposed diversion of stormwater from one watershed to another is limited to less than 20% of the site based on gross site area or less than 1 acre, whichever is smaller.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all commercial development and/or redevelopment.
5. At this time, site specific information is unavailable regarding 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 square feet 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.

Site Plan

1. This site will be subject to Compatibility along the northwest property line, which is adjacent to SF-3 Single Family zoning. This will affect allowed height and setbacks.
2. If the relief from development standards under the V designation is sought, affordable housing will need to be approved by the Neighborhood Housing and Community Development Department. Please begin working with the NHCD early in the site planning process.

Transportation

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 80 feet of right-of-way for S 1st Street. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for South 1st Street according to the Transportation Plan with the first subdivision or site plan submittal. [LDC 25-6-51 and 25-6-55].

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water 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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

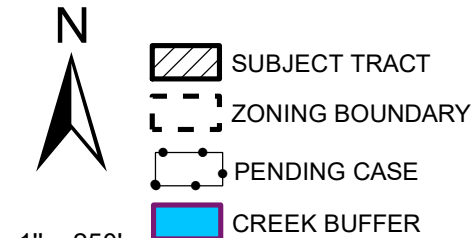
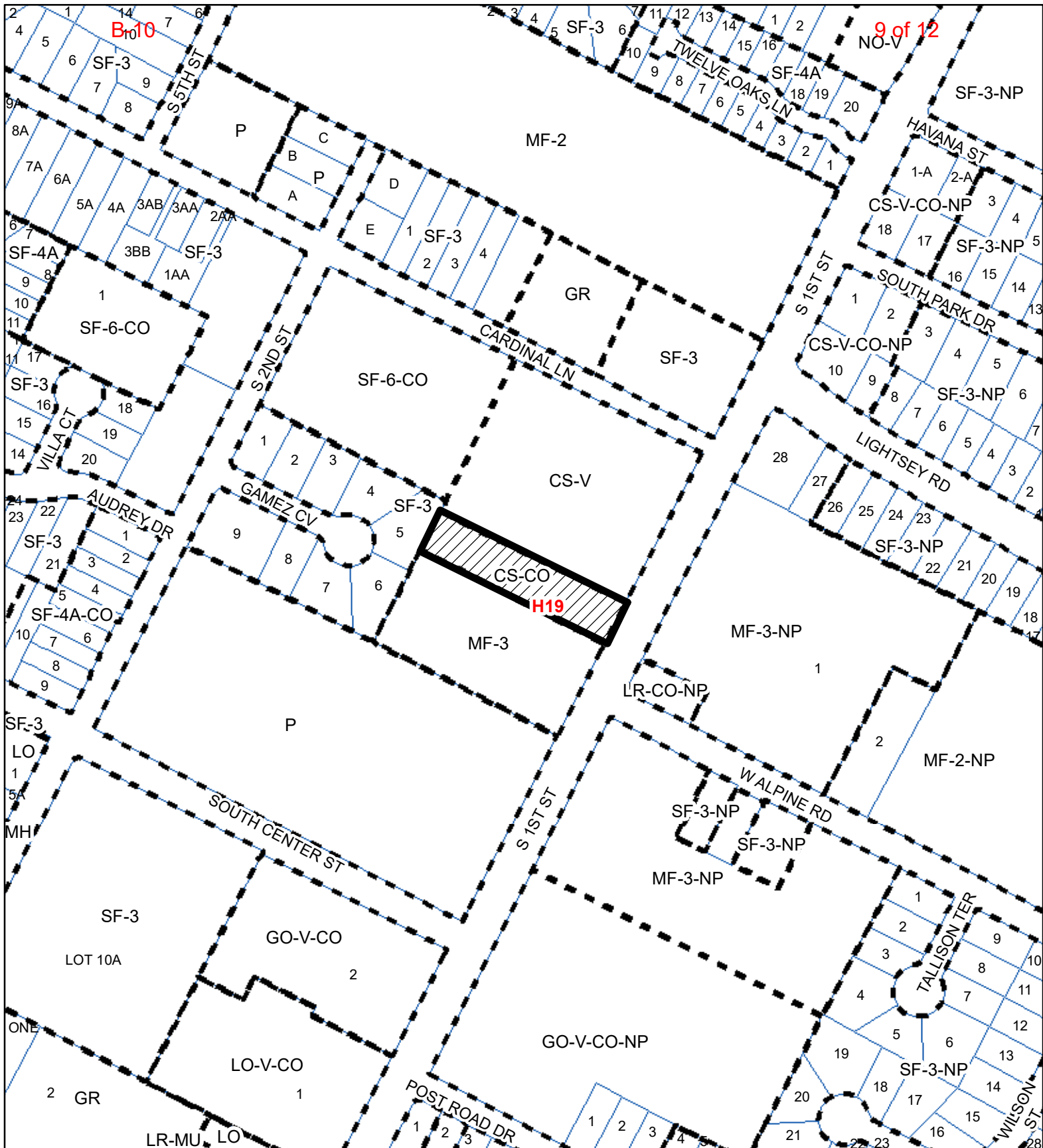
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received



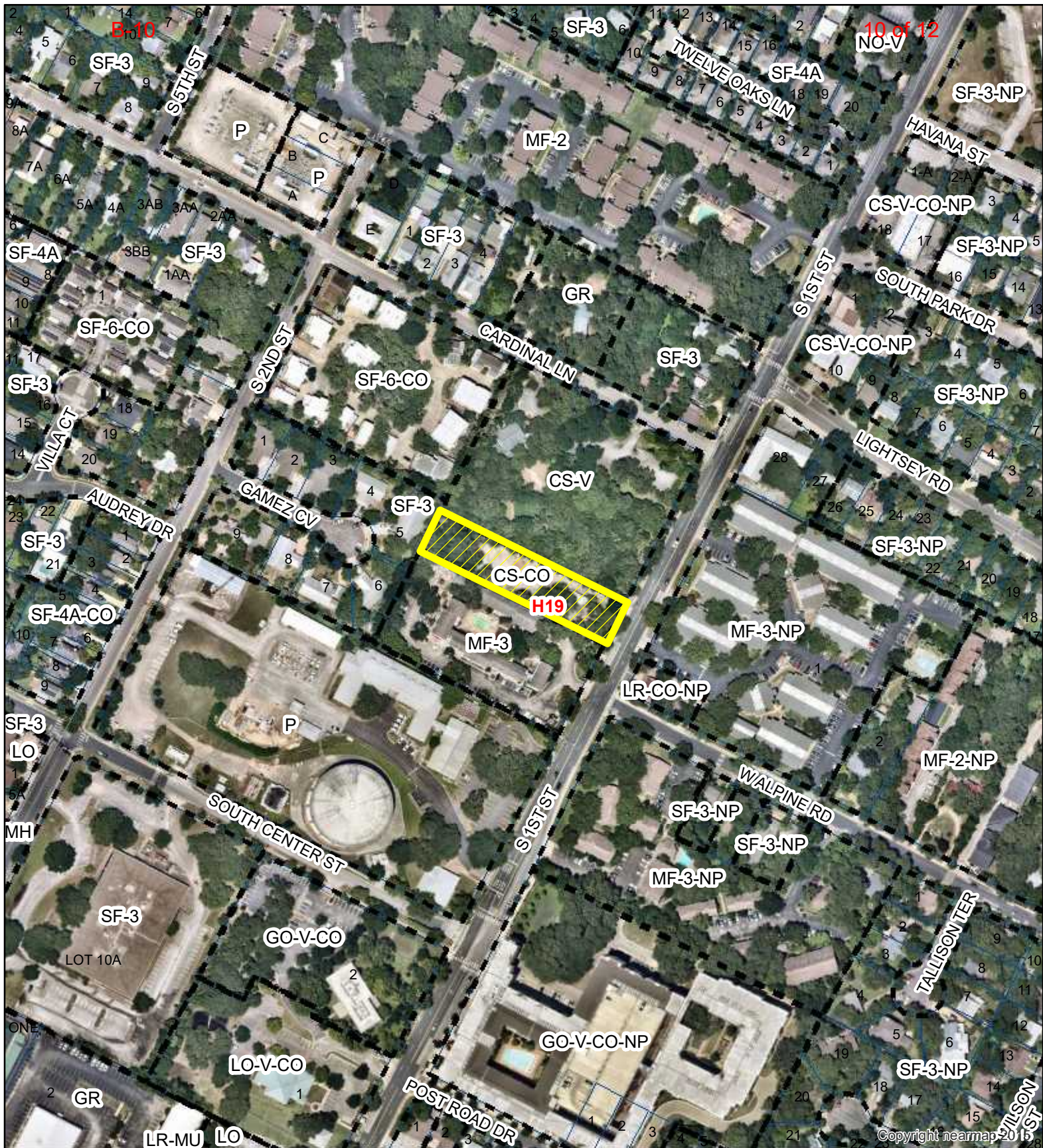
3504 S. 1st Street Rezoning

Exhibit A

ZONING CASE#: C14-2020-0067
 LOCATION: 3504 S. 1st Street
 SUBJECT AREA: .842 ACRES
 GRID: H19
 MANAGER: KATE CLARK



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.



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Exhibit B

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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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2020-0067

Contact: Kate Clark, 512-974-1237

Public Hearing: July 28, 2020, Planning Commission

Hannah Helpio

Your Name (please print)

3025 S. 1st St. Austin, TX 78704

Your address(es) affected by this application

Hannah Helpio

Signature

07.10.2020

Date

Daytime Telephone: 551.786.7160

Comments: I am writing to express my opposition to this rezoning; as a renter in Austin, I am concerned that this will be detrimental to affordability and further accelerate my having to relocate. I love this city & support growth, but without any current renter protections, I cannot support this and ask you to please consider the longer term impact of such a project, particularly on those who will be priced out & forced out of Austin. Thank you.

If you use this form to comment, it may be returned to:

City of Austin, Planning & Zoning Department

Kate Clark

P. O. Box 1088, Austin, TX 78767

Or email to:

Kate.Clark@austintexas.gov

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Contact: Kate Clark, 512-974-1237

Public Hearing: July 28, 2020, Planning Commission

James Gatlin

Your Name (please print)

519 Lightsey Rd #106 Austin TX 78704

Your address(es) affected by this application

James Gatlin

Signature

☒ I am in favor
☐ I object

7-8-20
 Date

Daytime Telephone:

512-638-6688

Comments:

I am very in favor of increases to density in the city and along its major thoroughfares

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