

**Zoning Ordinance Approval**

**CITY OF AUSTIN**

**RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 56**

**AGENDA DATE: Thu 01/27/2005**

**PAGE: 1 of 1**

**SUBJECT:** C14-04-0180 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2444 South 1st Street (East Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First Reading on January 13, 2004. Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: Michael Vasquez. Agent: Michael Vasquez. City Staff: Tom Bolt, 974-2755.

**REQUESTING  
DEPARTMENT:**

Neighborhood Planning  
and Zoning

**DIRECTOR'S**

**AUTHORIZATION:** Greg Guernsey

## SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0180

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2444 So. 1<sup>st</sup> St. (East Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial – conditional overlay (GR-CO) combining district zoning. First Reading on January 13, 2005. Vote 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council at first ordinance reading.

DEPARTMENT COMMENTS:

The subject property is situated between two Commercial Services district zoned properties on a right-of-way classified as an arterial. The Community Commercial (GR) district proposed would allow for less intense developments on properties to the north and south.

This site is located within the pending Galindo Neighborhood Planning Area. The Neighborhood Planning process is expected to begin in August 2005.

OWNER/APPLICANT: Michael Vasquez

AGENT: Michael Vasquez

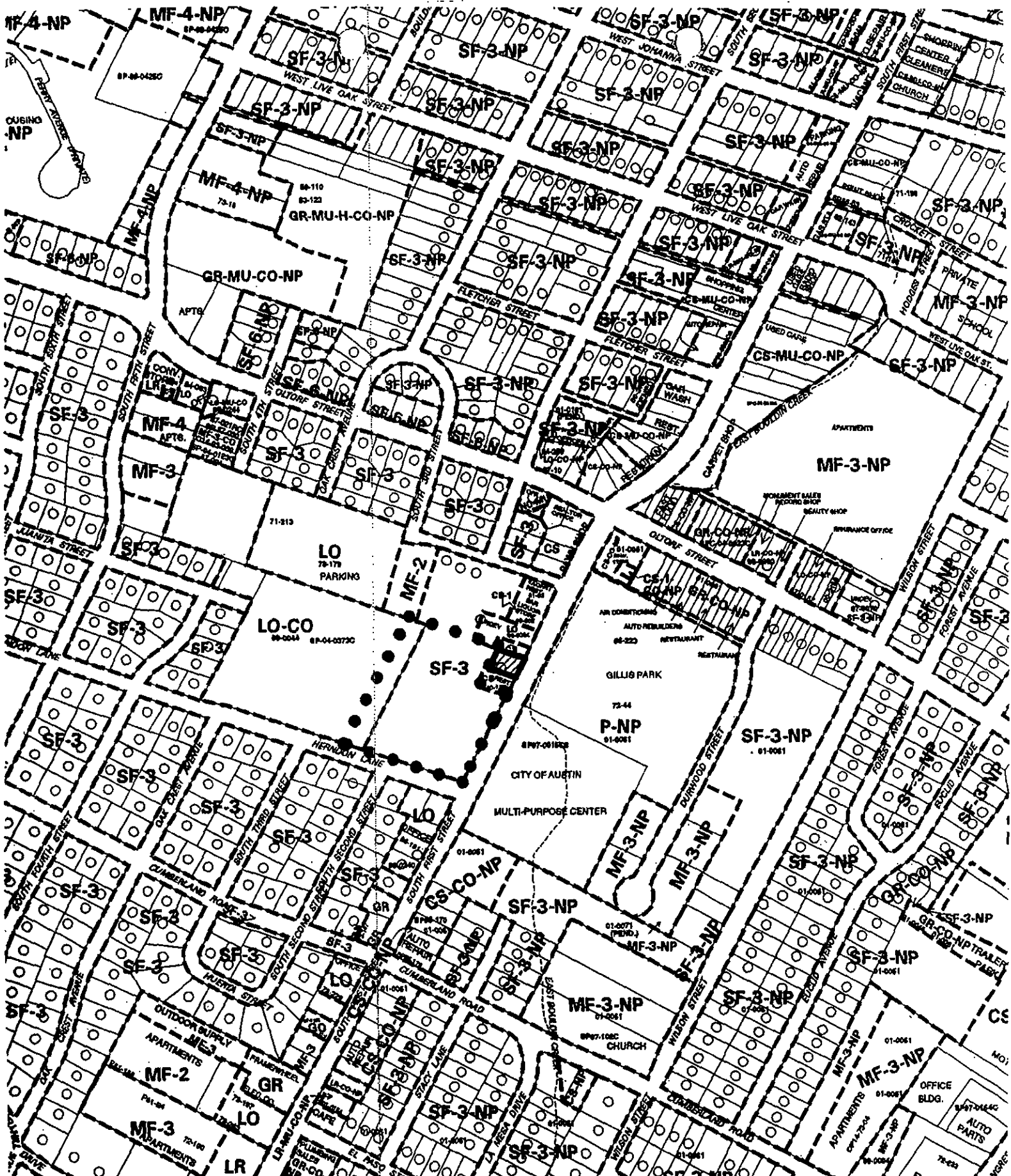
DATE OF FIRST READING: January 13, 2005 - Approved GR-CO; only permitted GR use being General Retail Sales (General); all LR uses; No drive through services. [K.J; J.M. 2<sup>nd</sup>] (9-0)

CITY COUNCIL HEARING DATE: January 27, 2005

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Thomas Bolt, e-mail: Thomas.bolt@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		<b>ZONING</b>  CASE #: C14-04-0180 ADDRESS: 2444 S 1ST ST SUBJECT AREA (acres): 0.150	DATE: 04-11  INTLS: SM	<b>CITY GRID REFERENCE NUMBER</b>  H20
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: T. BOLT				

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 2444 SOUTH FIRST STREET FROM FAMILY  
3 RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-  
4 CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

5  
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7  
8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from family residence (SF-3) district to community commercial-  
10 conditional overlay (GR-CO) combining district on the property described in Zoning Case  
11 No. C14-04-0180, on file at the Neighborhood Planning and Zoning Department, as  
12 follows:

13  
14 A 0.15 acre tract of land, more or less, out of the Isaac Decker League No. 20,  
15 Abstract No. 8, in Travis County, the tract of land being more particularly  
16 described by metes and bounds in Exhibit "A" incorporated into this ordinance,  
17 (the "Property")

18  
19 locally known as 2444 South First Street, in the City of Austin, Travis County, Texas, and  
20 generally identified in the map attached as Exhibit "B".

21  
22 PART 2. The Property within the boundaries of the conditional overlay combining district  
23 established by this ordinance is subject to the following conditions:

24  
25 1. The following uses are prohibited uses of the Property:

26  
27 Automotive repair services  
28 Automotive washing (of any type)  
29 Business or trade school  
30 Commercial off-street parking  
31 Drop-off recycling collection facility  
32 Food preparation  
33 Hotel-motel  
34 Indoor sports and recreation  
35 Outdoor entertainment  
36 Outdoor sports and recreation  
37 Personal improvement services

Automotive sales  
Bail bond services  
Business support services  
Communications services  
Exterminating services  
Funeral services  
Indoor entertainment  
Medical offices (exceeding 5000 sq. ft.  
gross floor area)  
Pawn shop services  
Research services

1 Restaurant (general)  
2 Community recreation (private)  
3 Congregate living  
4 Hospital services (general)  
5 Residential treatment  
6

Theater  
Community recreation (public)  
Group home, Class II  
Hospital services (limited)

7 2. Drive-in service is prohibited as an accessory use to commercial uses.  
8

9 Except as specifically restricted under this ordinance, the Property may be developed and  
10 used in accordance with the regulations established for the community commercial (GR)  
11 base district and other applicable requirements of the City Code.  
12

13 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.  
14

15 **PASSED AND APPROVED**  
16

17  
18 §  
19 §  
20 §  
\_\_\_\_\_, 2005

Will Wynn  
Mayor

21  
22  
23  
24 **APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk

EXHIBIT A

FIELD NOTES

EDMONDSON / Job# 2678 / November 1, 2002

All that certain tract or parcel of land situated in Travis County, Texas, out of the Isaac Decker League No. 20, Abstract No. 8 and being a portion of that tract described in a Warranty Deed to Tommie Wicks dated September 23, 1999 and recorded as Doc#1999127522 of the Real Property Records of Travis County and described by metes and bounds as follows:

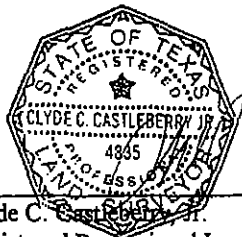
BEGINNING at a ½" iron pin found for the Southeast corner of that tract described in a Warranty Deed to John McCarthy dated March 19, 1999 and recorded in Volume 13395, Page 2204 of said real property records for the Northeast corner of said Wicks tract and this tract;

THENCE: S 68° 09' 43" E 93.90 feet to a ½" iron pin with a yellow plastic cap inscribed "CCC 4835" set for the Northeast corner of that tract conveyed to the City of Austin by deed dated August 24, 1960 and recorded in Volume 2220, Page 261 of said real property records being the Southeast corner of this tract;

THENCE: S 29° 10' 00" W 69.15 feet with the North line of said City of Austin tract to a ½" iron pin with a yellow plastic cap inscribed "CCC 4835" set in the West line of said Wicks tract for the Northwest corner of said City of Austin tract, being the Southeast corner of that tract described in a Warranty Deed to Daniel and Maria Del Carmen Camarena dated October 26, 1995 and recorded in Volume 12558, Page 1256 of said real property records and being the Southwest corner of this tract;

THENCE: N 68° 28' 30" W 92.05 feet to a ½" iron pin found in the South line of said McCarthy tract for the Northeast corner of said Camarena tract, being the Northwest corner of said Wicks tract and this tract;

THENCE: N 27° 36' 00" E 69.44 feet with the South line of said McCarthy tract and the North line of said Wicks tract, being the basis of bearings cited hereon, to the place of Beginning and containing 0.15 acre of land.



Clyde C. Castleberry, Jr.  
Registered Professional Land Surveyor No. 4835

0.15 OF AN ACRE OUT OF THE ISAAC DECKER  
LEAGUE SURVEY NO. 20, ABSTRACT NO. 8, TRAVIS  
COUNTY, TEXAS.

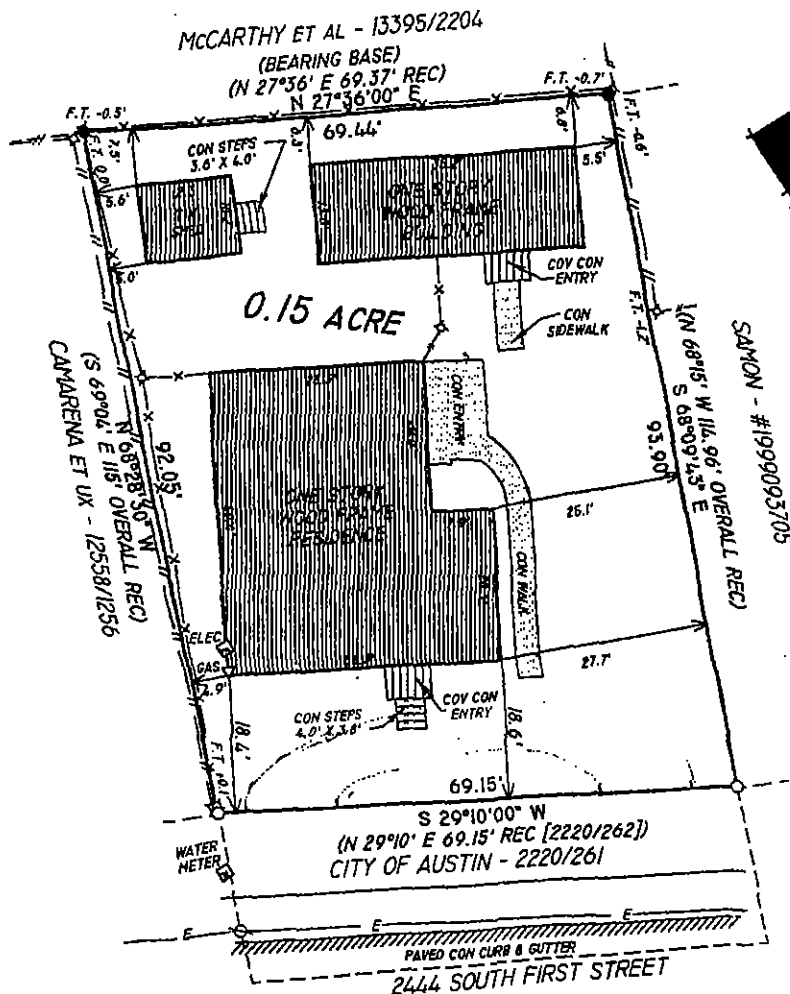
JOB NO: 2478

DRAWN:

F.C.:

SUBJECT TO: (1) DEED RECORDS - 992/29, 2220/262, #1999127522

FIELD NOTES ATTACHED



- LEGEND:
- 1/2" IRON PIN FOUND "NO CAP"
  - 1/2" IRON PIN SET "CCC 4835" (YELLOW CAP)
  - ⊗ UTILITY POLE
  - E— ELECTRIC LINES
  - ⊠ FENCE POST
  - X— CHAINLINK FENCE
  - ||— WOOD FENCE

NOTE: FENCE TIES (F.T.) WITH "X" SIGN  
REPRESENT FENCE INSIDE PROPERTY  
LINE: THOSE WITH "O" SIGN REPRESENT  
FENCE OUTSIDE PROPERTY LINE

BEARINGS BASED ON PLAT RECORDS - #1999127522

CERTIFY: CHICAGO TITLE / EDMONDSON / GF #002206083

SCALE: 1" = 20'

THE STATE OF TEXAS §  
COUNTY OF WILLIAMSON §

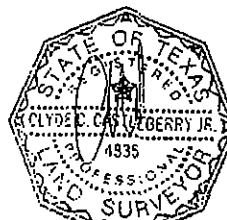
KNOW ALL MEN BY THESE PRESENTS:  
THAT I, CLYDE C. CASTLEBERRY JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HAVE THIS DATE CAUSED TO BE PERFORMED AN ON-THE-GROUND SURVEY UNDER MY SUPERVISION OF THE FOREGOING PLATTED TRACT OF LAND AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

NOTICE: THIS SURVEY IS COPYRIGHT 2002 BY CASTLEBERRY SURVEYING, INC. THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONNECTION WITH THE ORIGINAL TRANSACTION, WHICH SHALL TAKE PLACE WITHIN 90 DAYS OF THE COMPLETION OF THIS SURVEY.

THIS AREA IS SHOWN TO BE IN A SPECIAL FLOOD HAZARD AREA "ZONE AE" PER FEMA'S FLOOD INSURANCE RATE MAP NO. 48453C0210 F., DATED JUNE 5, 1997, HOWEVER AT PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT REPRESENT ACCURACY OR INACCURACY OF SAID MAP. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOODING OR FLOOD DAMAGE.



CASTLEBERRY SURVEYING, INC.  
203 SOUTH IH-36, SUITE 101C  
GEORGETOWN, TEXAS 78628  
TELEPHONE: (512) 930-1600 FAX: (512) 930-9389  
E-MAIL: info@castleberrysurveying.com



WITNESS MY HAND AND SEAL,  
THIS 23RD DAY OF OCTOBER, 2002, A.D.





## ZONING CHANGE REVIEW SHEET

**CASE:** C14-04-0180

**ZAP DATE:**

December 21, 2004

**CITY COUNCIL:**

January 13, 2005

January 27, 2005

**ADDRESS:** 2444 So. 1<sup>st</sup> St.

**OWNER/APPLICANT:** Michael Vasquez

**AGENT:** Michael Vasquez

**ZONING FROM:** SF-3

**TO:** GR

**AREA:** .15 acres

**SUMMARY STAFF RECOMMENDATION:**

Approve the rezoning from family residential district (SF-3) to community commercial district (GR)

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

APPROVED GR-CO ZONING; ONLY PERMITTED GR USE BEING GENERAL RETAIL SALES (GENERAL); ALL LR USES; NO DRIVE THROUGH SERVICES. [K.J; J.M 2<sup>ND</sup>] (9-0)

**ISSUES:** N/A

**DEPARTMENT COMMENTS:**

The subject property is situated between two Commercial Services district zoned properties on a right-of-way classified as an arterial. The Community Commercial (GR) district proposed would allow for less intense developments than those allowed on properties to the north and south.

This site is located within the proposed Galindo Neighborhood Planning Area. The Neighborhood Planning process is expected to begin in August 2005.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Jewelry Store
<i>North</i>	CS	Single-family structure with accessory bldg
<i>South</i>	CS	Restaurant
<i>East</i>	ROW & P-NP	City of Austin Park (Gillis Park) & Bouldin Creek Center
<i>West</i>	SF-3	Undeveloped and part of larger tract of land

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** East Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- #154 Dawson Neighborhood Association
- #300 Terrell Lane Interceptor Association
- #428 Barton Springs/Edwards Aquifer Conservation Dist.
- #498 South Central Coalition
- #511 Austin Neighborhoods Council
- #904 Galindo Elementary Neighborhood Association
- #976 Dawson Neighborhood Planning Team

**SCHOOLS:**

Dawson Elementary School  
Fillmore Middle School

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0061	NPCD Dawson Neighborhood Plan and Ordinance	Motion to Approve Staff Recommendation failed (4-4) Send to City Council with no recommendation (8-0)	12/06/2001 Approved 3 <sup>rd</sup> reading of an ordinance for Dawson Neighborhood Plan rezoning
C14-99-0044	SF-3 TO LO	04/27/1999 Approved LO-CO limiting to NO uses	07/01/1999 Approved 3 <sup>rd</sup> reading LO-CO with conditions prohibiting some LO uses

**RELATED CASES:** N/A**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
S. 1 <sup>st</sup> St.	65'	48'	Arterial	Yes	Route 10	Yes

**CITY COUNCIL DATE:** January 13, 2005

**ACTION:** Approved on consent, GR-CO as recommended by the Zoning & Platting Commission. Vote: 7-0

**ORDINANCE READINGS:** 1<sup>st</sup> January 13, 2005 2<sup>nd</sup> January 27, 2005 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Thomas Bolt  
e-mail address: [Thomas.bolt@ci.austin.tx.us](mailto:Thomas.bolt@ci.austin.tx.us)

**PHONE:** 974-2755



# City of Austin

C14-04-0180

2444 SO. 1ST ST.

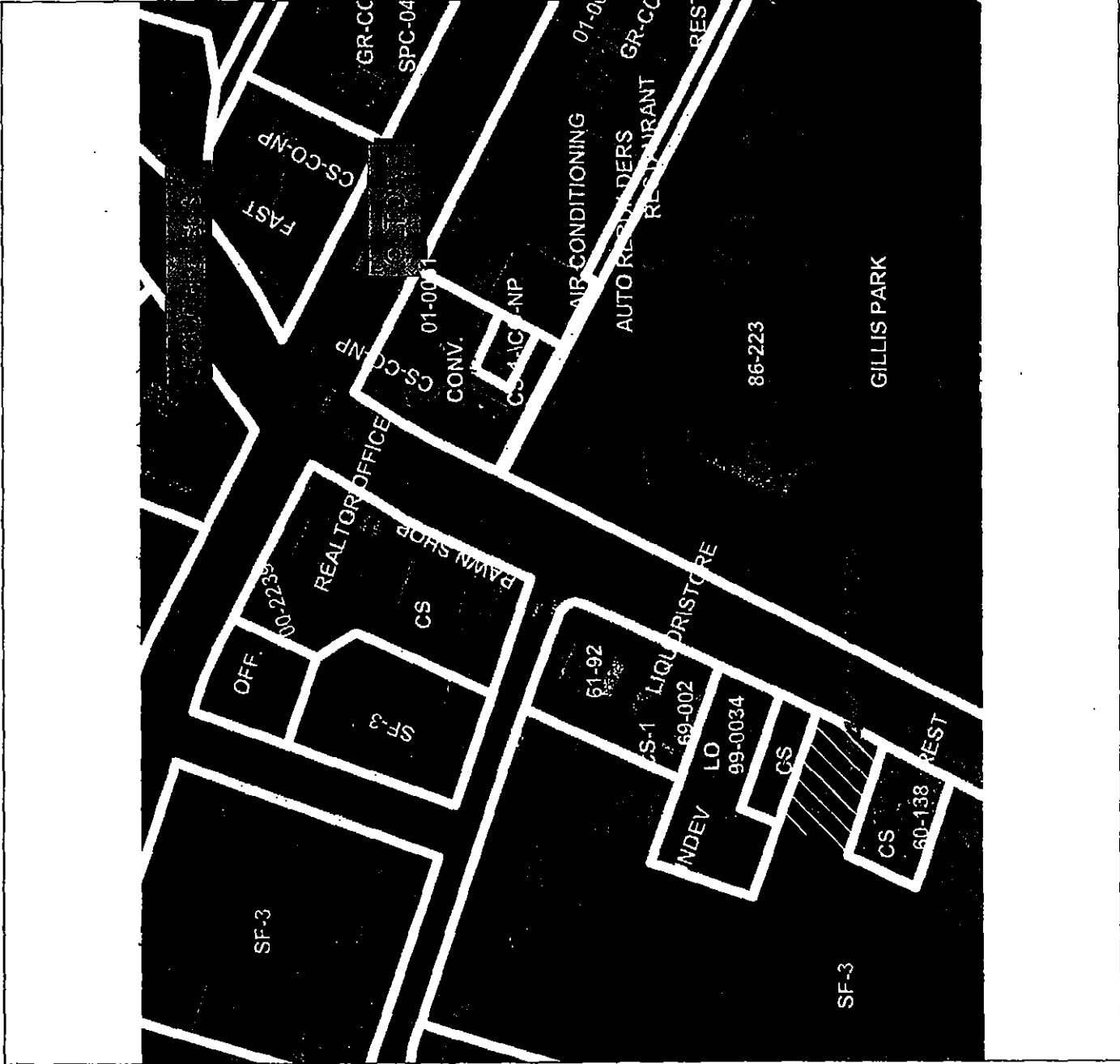
REQUEST:  
FROM SF-3 TO GR

OWNER/AGENT  
MICHAEL VASQUEZ

Zoning  
Subdivision  
Base



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**STAFF RECOMMENDATION**

Approve the rezoning from family residence district (SF-3) to community commercial district (GR)

**BACKGROUND N/A****BASIS FOR RECOMMENDATION**

Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.

Properties to the north and south fronting on South 1<sup>st</sup> St. are zoned CS allowing more intense commercial service uses than those allowed under the proposed zoning of this property.

Zoning changes should promote compatibility with adjacent and nearby uses.

Adjacent uses are a restaurant to the south and a single family structure zoned CS to the north. The proposed GR will continue the ability to develop commercial use along this section of So. 1<sup>st</sup> St. The SF-3 zoning district is out of character in this area.

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The proposed zoning will allow more consistency with potential adjacent uses.

Granting of the request should result in an equal treatment of similarly situated properties.

Similarly situated properties in this area have commercial district zoning.

**EXISTING CONDITIONS****Site Characteristics**

Site is relatively flat and developed with a single-family residence and accessory structures.

**Impervious Cover**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class.

**Environmental**

According to flood plain maps, there is flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

**Environmental con't.**

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

**Water Quality Control Requirements**

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.

**Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 1,153 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

**Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City utility design criteria. The landowner must pay all associated City plan review and inspection fees.

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

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Compatibility Standards**

The site is subject to compatibility standards. Along the west and south (currently under review for a proposed zoning change) and north property line, the following standards apply:

- No structure may be built within 25 feet of the property line.

The City of Austin City Council approved the Old West Austin Neighborhood Plan in which goals and action items addressed support for this request.

Zoning should be consistent with approved and existing residential densities.

The current use of this property is consistent with those permitted in the SF-3-NP district. SF-3-NP district along with the Small Lot Amnesty provision within the plan will allow for secondary units on lots having SF-3-NP zoning.

Rezoning should not contribute to the over zoning of the area.

The proposed zoning seeks to maintain the current mix of both single family, single family with secondary units, and multi-family uses within the Old West Austin Neighborhood Plan area.

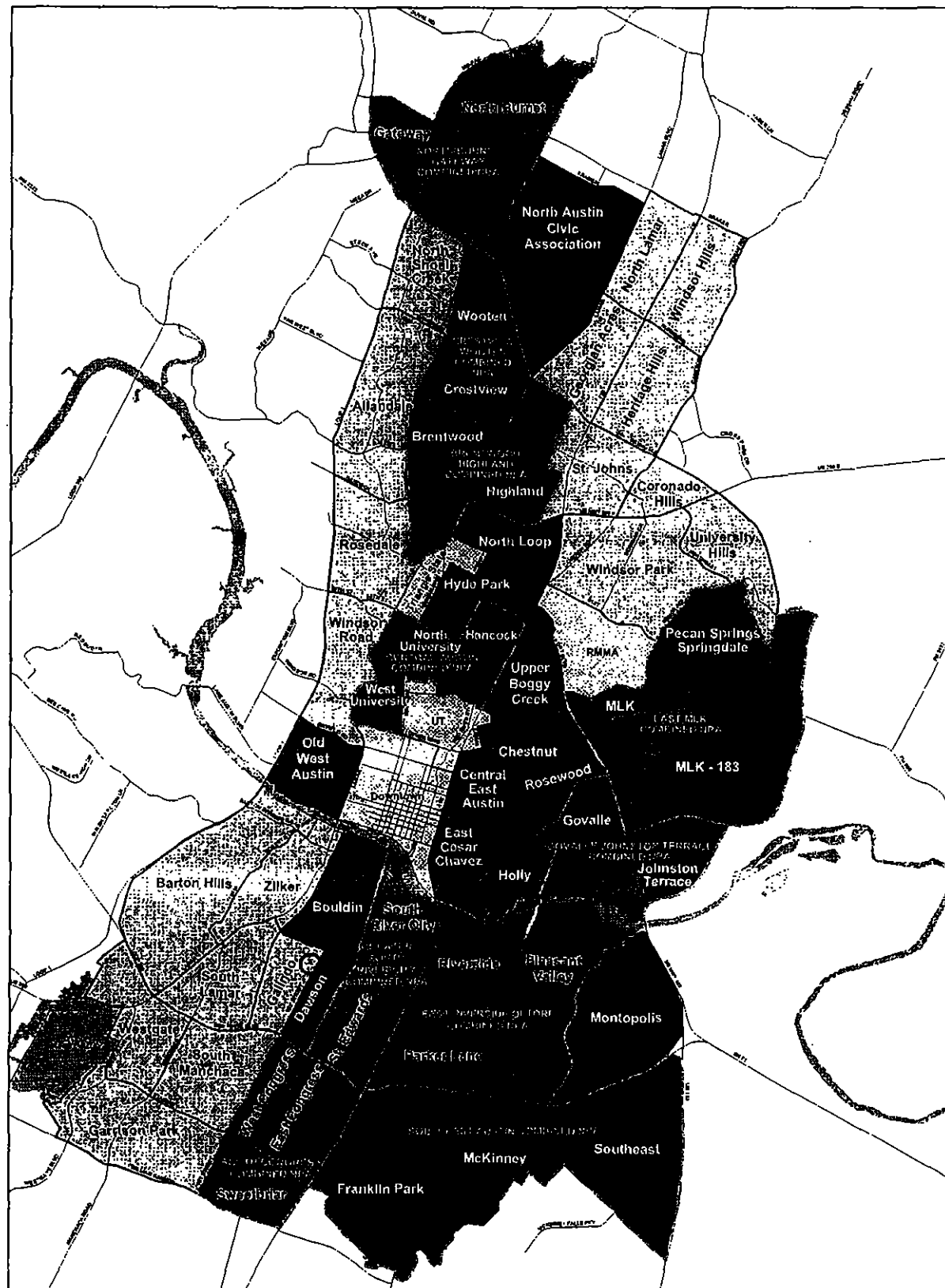
Zoning changes should promote a balance of intensities and densities.

The proposed zoning request will contribute to the ability to support a mix of residential uses within the Neighborhood Plan Area.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is generally flat and currently developed with a family residential district use.



## City of Austin Neighborhood Planning Areas



Produced by City of Austin  
Neighborhood Planning & Zoning Department  
August 30, 2004



Combined Neighborhood  
Planning Areas

### Neighborhood Plan Status

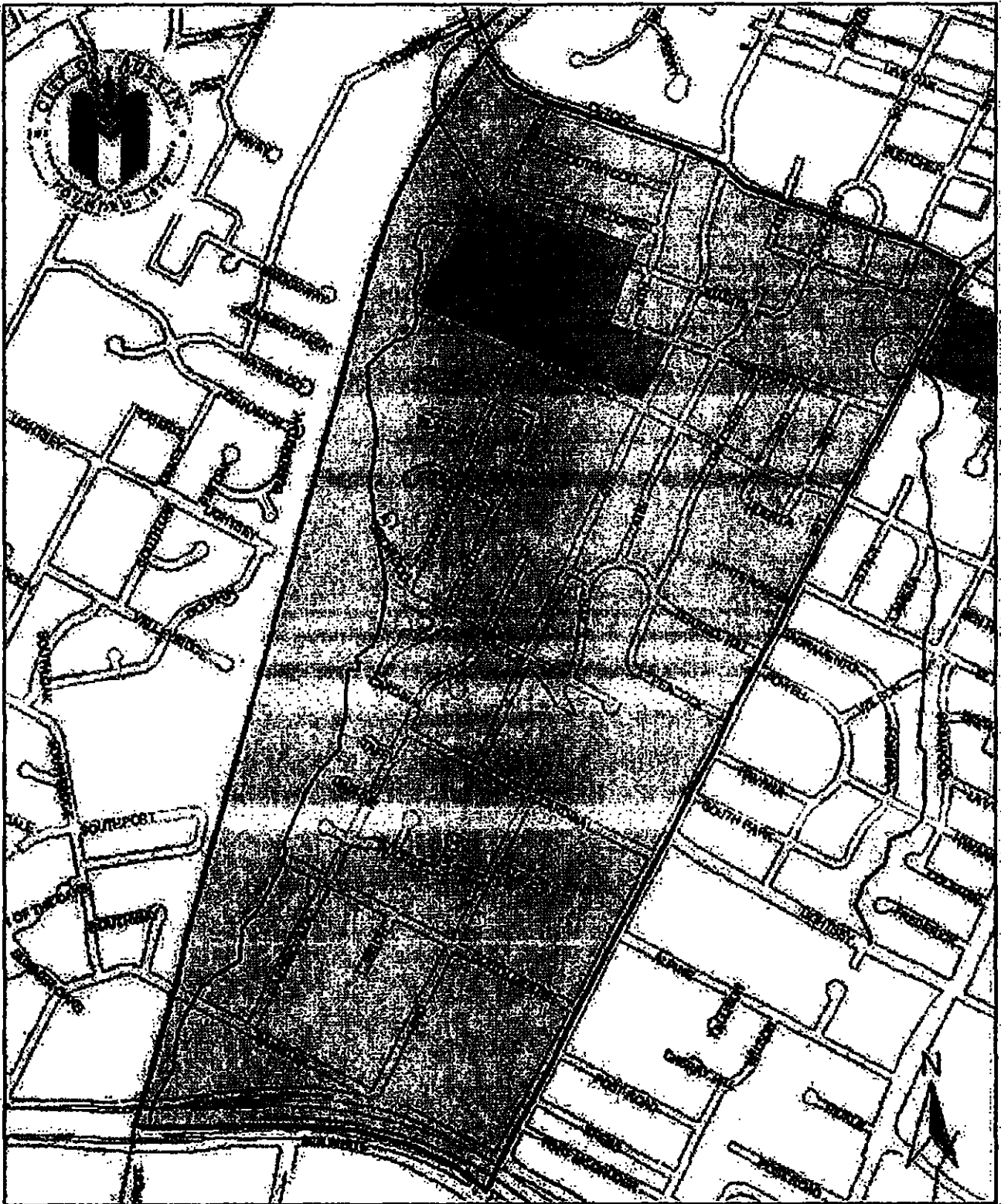
- Adopted Neighborhood Plan & Zoning
- Neighborhood Plan Underway
- Future Neighborhood Planning Area
- Non-Neighborhood Planning Area

N

5,000 2,500 0 5,000 15,000 Feet

This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.

Source: City of Austin, 2004



**Galindo Neighborhood Planning Area**

 **Parks**

0.2 0 0.2 0.4 Miles

