



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 03/25/2004
PAGE: 1 of 1

SUBJECT: C14-03-0147 - Rich Retail Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8700 Block of South First Street (Slaughter Creek Watershed) from development reserve (DR) district zoning to townhouse & condominium residence (SF-6) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence (SF-6) district zoning for Tract 1 and neighborhood commercial (LR) district zoning for Tract 2 with conditions. Applicant: Mickey Rich Plumbing and Heating (Mickey Rich). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0147

Z.P.C. DATE: December 16, 2003
January 20, 2004
February 3, 2004

ADDRESS: 8700 Block of South First Street

OWNER AND APPLICANT: Mickey Rich
Plumbing and Heating
(Mickey Rich)

AGENT: Land Answers
(Jim Wittliff)

ZONING FROM: DR

TO: GR

2ND AMENDMENT AFTER COMMISSION ACTION:

GR-CO (2 acres);
LR (8.75 acres); &
SF-6 (2.502 acres)
please refer to Attachment C at the back of the staff report

1ST AMENDMENT AT ZAP COMMISSION:

GR-CO (10.755 acres) &
SF-6 (2.502 acres)
please refer to Attachment B

AREA: 13.297 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant:
community commercial-mixed use (GR-MU) district zoning for Tract 1;
neighborhood commercial-mixed use (LR-MU) district zoning for Tract 2; and,
townhouse and condominium residence (SF-6) district zoning for Tract 3, **as shown in Exhibit B.**

The Restrictive Covenant would limit the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (January 14, 2004).

ZONING & PLATTING COMMISSION RECOMMENDATION:

December 16, 2003: *POSTPONED TO 01/20/04 (STAFF/APPLICANT)*
[J.M.; J.G 2ND] (8-0) C.H – ABSENT

January 20, 2004: *POSTPONED TO 02/03/04 (APPLICANT)*
[J.M.; J.G 2ND] (6-0) J.C; J.D; K.J – ABSENT

February 3, 2004: *[REFER TO EXHIBIT C]*

APPROVED SF-6 FOR TRACT 1 (5.523 ACRES; L-SHAPED AND ADJACENT TO THE EXISTING SINGLE-FAMILY RESIDENCES AND DUPLEXES); AND LR FOR TRACT 2 (7.764 ACRES; GENERALLY L-SHAPED WITH FRONTAGE ON SOUTH FIRST STREET

*AND ALSO ALONG THE COMMON DRIVEWAY ON THE SOUTH PROPERTY LINE),
WITH THE CONDITIONS OF THE T.I.A MEMORANDUM.
[B.B, M.W.H 2ND] (9-0)*

ISSUES:

February 17, 2004:

The applicant requested that the Commission consider amending its recommendation made on February 3, 2004 to that described and illustrated in **Attachment C**. The applicant suggested a 2 acre tract for GR-CO district zoning along South First Street, surrounded by 8.75 acres of LR between South First Street and the duplexes to the west, and 2.502 acres of SF-6 zoning adjacent to the single family residences on the north side of the property. The Commission chose not amend its recommendation and the applicant now wishes to discuss the Commission's recommendation with the City Council.

February 3, 2004:

The applicant has amended his application to create two tracts on the property. Tract 1, approximately 2.5 acres of townhouse and condominium residence (SF-6) district zoning, is adjacent to the single family residences along the north side of the property. Tract 2 forms the remaining 10.755 acres of land (along South First Street, the common driveway with the commercial property to the south and the duplexes to the west) are proposed for community commercial – conditional overlay (GR-CO) combining district zoning. As proposed by the applicant, the conditional overlay: 1) limits the floor-to-area (F.A.R.) ratio to a maximum of 0.26 to 1, and 2) prohibits the following uses: automotive rentals; automotive repair services; automobile sales, automobile washing (of any type), bail bond services; commercial off-street parking; exterminating services; outdoor entertainment; outdoor sports and recreation, pawn shop services, service station and urban farm. Please refer to **Attachment B** at the very back of the staff report.

DEPARTMENT COMMENTS:

The subject property consists of undeveloped acreage and is zoned development reserve (DR) district. Access is taken to South First Street, an arterial roadway and the property also shares a driveway with the commercial development (lube shop, service station, plant nursery) to the south. Just east, Ralph Ablanado Drive forms a "T" intersection with South First Street. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial).

Original Rezoning Request of GR for Entire Acreage

The applicant proposes to rezone the property to the community commercial (GR) district and develop the property with 134,000 square feet of retail uses, 4,000 square feet of fast food restaurants with drive-through service, and a 12,000 square foot auto repair use (lube / brake shop). Staff is not recommending GR for the entire site because the property is not located at an intersection (the common driveway was formerly Ralph Ablanado Drive, but was vacated and closed to improve circulation and safety when the intersection of Slaughter Lane and South First Street shifted to the south); there is approximately 30 acres of GR zoning at the intersection of Slaughter and South First, a significant portion of which is currently undeveloped, and there are existing residential uses – single family adjacent to the north and duplexes adjacent to the west that are generally incompatible with GR uses and development standards. Yarsa Boulevard, the street that terminates at the west property line, indicates that residential development may have previously been envisioned for this property.

Alternate Staff Recommendation

The alternate staff recommendation provides for mixture of commercial and residential uses on the tract, and situates commercial zoning along the South First Street frontage, and townhouse & condominium zoning adjacent to the existing single family residences and duplexes. Please refer to Exhibit B – Alternate Staff Recommendation. Tract 1, which is two acres in size, is proposed for community commercial – mixed use (GR-MU) combining district zoning and is consistent with other commercial zonings and development along this segment of South First Street to its intersection with Slaughter Lane. For Tract 2, approximately 1.8 acres, staff recommends neighborhood commercial – mixed use (LR-MU) combining district zoning to provide less intensive commercial development adjacent to the SF-2 neighborhood to the north. In general, commercial zoning along South First Street provides the opportunity for the adjacent residents to access commercial goods and services without having to cross South First Street. The MU combining district permits commercial and civic uses in the base (GR, LR) district, townhouses, single family residential, duplexes, group residential and group home (Class I and II).

For the remaining 9.457 acres of the property – Tract 3, staff recommends townhouse and condominium residence (SF-6) district zoning. The SF-6 district serves as a transition district between the single family residences and duplexes to the north and west, and the commercial zoning proposed for Tracts 1 and 2 and adjacent commercial development to the south, and would further diversify the available housing types in this general area.

A comparison between the proposed Traffic Impact Analysis (TIA) and the staff recommendations, the latter assuming that the site develops to the maximum intensity allowed under the zoning classification, yields a similar trip generation figure. For the TIA proposal, the figure is 10,712 and for the staff recommendation it is 10,794.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped
<i>North</i>	SF-2	Single family residences
<i>South</i>	CS-CO; GR-CO	Plant nursery; Lube shop; Service station; Retail; Undeveloped
<i>East</i>	DR; IP; LR-CO; IP-CO; LI-CO; LI; W/LO; LO-CO	Plumbing supply company; Masonry and supply company; Church; Beauty salon; Business park; Sign company; Office warehouse; Storage; Undeveloped
<i>West</i>	SF-3; SF-2	Duplexes; Single family residences

AREA STUDY: N/A**TIA:** Is required – Please refer to Attachment A**WATERSHED:** Slaughter Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association

242 – Slaughter Lane Neighborhood Assn.

262 – Beaconridge Neighborhood Association

300 – Terrell Lane Interceptor Association

428 – Barton Springs / Edwards Aquifer Conservation District

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Assn.

948 – South by Southeast Neighborhood Organization

SCHOOLS:

Casey Elementary School

Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION / PLANNING COMMISSION	CITY COUNCIL
C14-02-0178	DR to LO	To Grant LO-CO, with CO for 2,000 trips	Approved LO-CO as recommended by ZAP (2-13-03)
C14-01-0014	DR; I-RR to MF- 2-CO	To Grant MF-2-CO as requested with addition of a 50' building setback along east property line.	Approved MF-2-CO as recommended by PC (4- 19-01)
C14-99-0135	SF-2 to LI	To Grant W/LO-CO	Approved W/LO (2-3- 00)
C14-98-0147	DR to LR-CO; IP- CO	To Grant LR-CO for Tract 1; IP-CO for Tract 2	Approved LR-CO for Tract 1; IP-CO for Tract 2. CO limits structure height to 40'; impervious cover to 70%; 2,000 vehicle trips per day; sign regulations comply with that of Neighborhood Commercial regulations; Service Station use prohibited on Tract 1; Auto uses, Service station, Sports and recreation, Research services and Adult- oriented uses prohibited on Tract 2. (5-13-99)
C14-97-0027 (Red Barn Nursery)	GR-CO to CS-CO	To Grant CS-CO with conditions	Approved CS-CO with conditions for: F.A.R. of 0.25 to 1; maximum impervious cover of 60%; list of prohibited uses and allow for urban agriculture (6-5-97)
C14-95-0011	SF-2 to P	To Grant P	Approved P (3-30-95)
C14-94-0046	DR to SF-4A	To Grant SF-4A w/conditions	Approved SF-4A-CO (9-1-94)

C14-90-0072	DR to LI	To Grant LI-CO w/conditions	Approved LI-CO w/list of prohibited uses (2-21-91)
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RELATED CASES:

The subject property was the subject of a 1999 rezoning case from DR to LR, neighborhood commercial, which was subsequently amended to MF-2-CO, multi-family residence – low density – conditional overlay (Case # C14-99-2127). The staff recommended MF-2-CO with a 2,000 vehicle trip limit and limiting the density to 13.8 units per acre.

The Planning Commission recommended approval of MF-1-CO with a 2,000 vehicle trip limit. At First Reading, the City Council approved MF-2-CO with a 2,000 trip limit and modified the maximum density from 13.8 to 14 units per acre. The applicant chose not to proceed past First Reading and subsequently, the case expired.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
South First Street	Varies, 80 – 140 feet	44 feet	4-lane undivided minor arterial	7,110 (1997)
Ralph Ablanedo Drive (east of South First Street)	82 feet	22 feet	Collector (substandard)	1,892 (1998)

There are no sidewalks along South First Street and Ralph Ablanedo Drive. Sidewalks will be required during the subdivision / site plan stage.

There is no Capital Metro bus service provided to this lot.

There is a Priority #1 bicycle route #45 recommended for Ralph Ablanedo Drive and there is a Priority #2 bicycle route #222 recommended for South First Street.

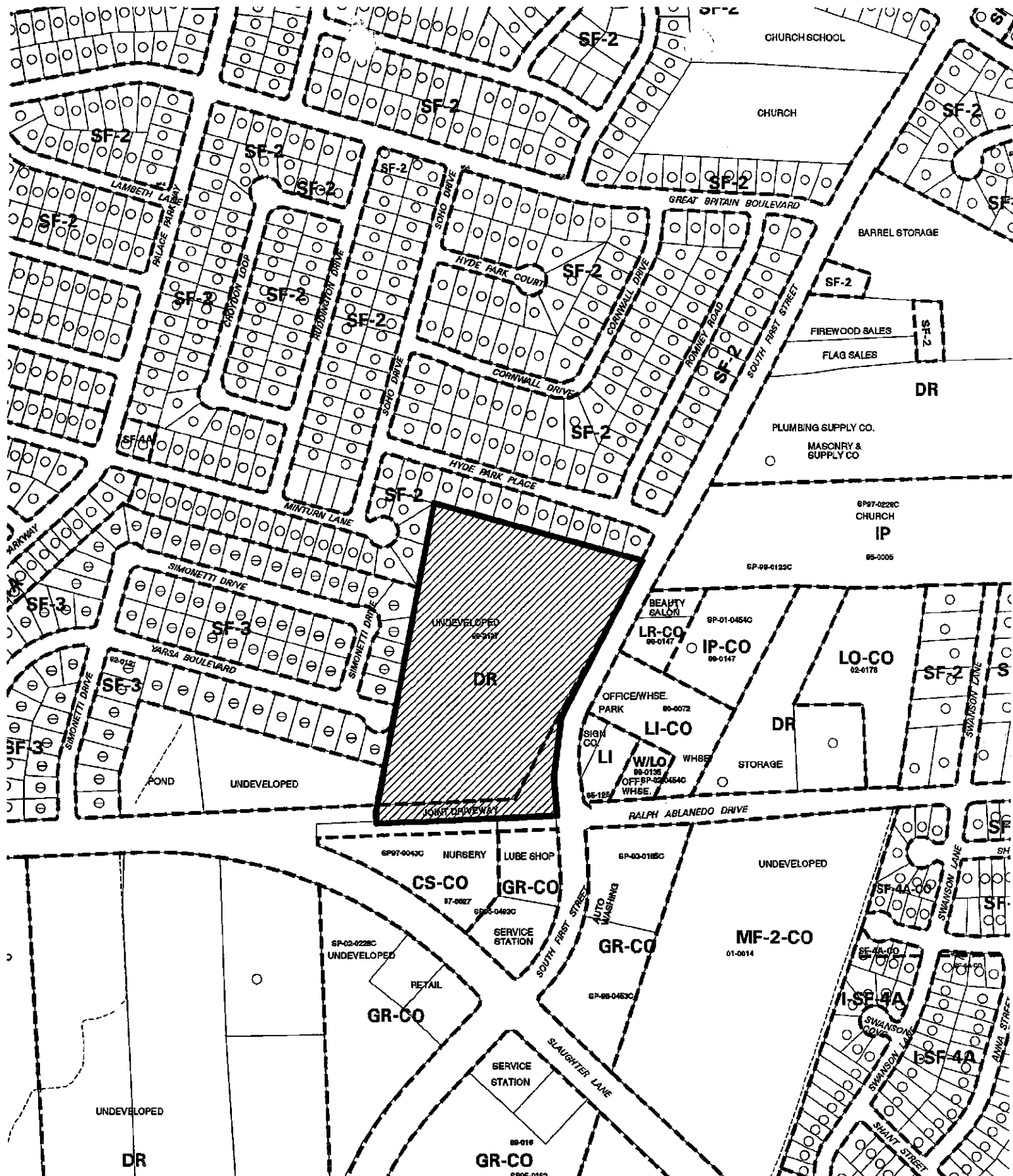
CITY COUNCIL DATE: March 25, 2004 **ACTION:**


ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

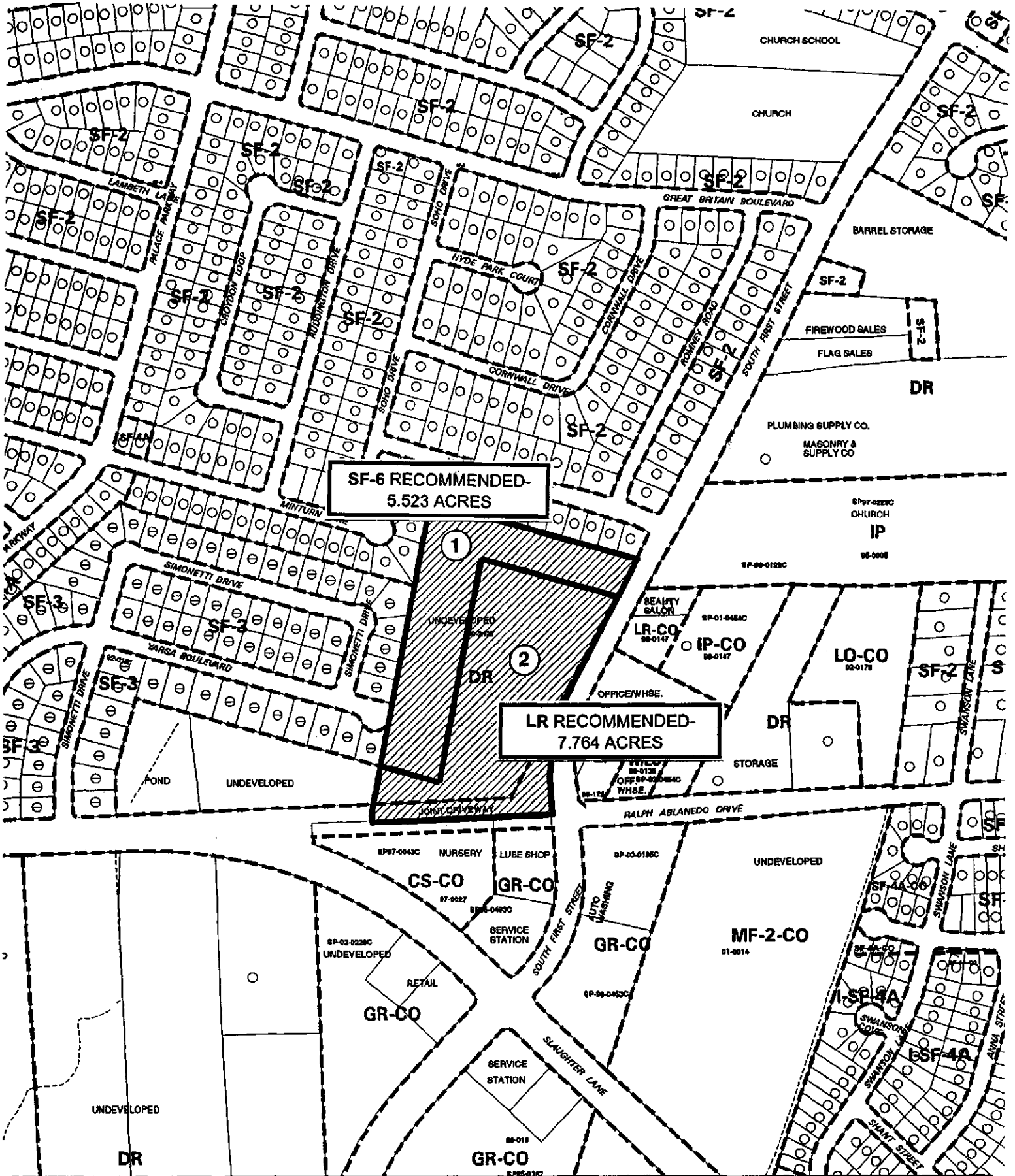
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719




 1" = 400'	<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: W. WALSH</p>	<p>ZONING Exhibit A</p> <p>CASE #: C14-03-0147</p> <p>ADDRESS: 8700 BLK S 1ST ST</p> <p>SUBJECT AREA (acres): 13.257</p>	<p>DATE: 03-11</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>F14</p>
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**SF-6 RECOMMENDED-
5.523 ACRES**

**LR RECOMMENDED-
7.764 ACRES**


SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: W. WALSH

ZAP RECOMMENDATION *Exhibit C*
CASE #: C14-03-0147
ADDRESS: 8700 BLK S 1ST ST
SUBJECT AREA (acres): 13.257
DATE: 04-02
INTLS: SM

**CITY GRID
REFERENCE
NUMBER**
F14



Date: January 14, 2004
To: Wendy Walsh, Case Manager
CC: Robert Halls, Robert J. Halls and Associates
Reference: Rich Retail Center TIA, C14-03-0147

The Transportation Review Section has reviewed the Traffic Impact Analysis Addendum for Rich Retail, dated August 2003, and offers the following comments:

TRIP GENERATION

Rich Retail is a 13.257-acre development located in northwest Austin at the southwest corner of the intersection of RM 620 and Anderson Mill Road. The TIA for the project was prepared by Robert J. Halls in August of 2003.

The proposed development consists of the following land uses:

- 134,000 square feet of Retail
- 4,000 square foot Fast Food Restaurant with Drive – Thru
- 12,000 square foot Car Care Center

The property is currently undeveloped and zoned Development Reserve (DR). The applicant has requested a zoning change to Community Commercial (GR). The estimated completion of the project is expected in the year 2005.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 10,712 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Adjusted Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size SF	ADT	Enter	Exit	Enter	Exit
Shopping Center	134,000	6,500	80	51	217	235
Fast Food Restaurant with Drive Thru	4,000	1,567	61	59	35	32
Car Care Center	12,000	259	23	12	20	20
TOTAL	150,000	8,326	164	122	272	287

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	2.6 %

ATTACHMENT A

2. In addition to these growth rates, background traffic volumes for 2002 included estimated traffic volumes for the following projects:

Wurzel Offices	SP-01-0454C
Rishel Shopping Center	SP-02-0228C
PCW Warehouse	SP-02-0454C
IH-35 and Slaughter Retail	C14-03-0066
First Street Car Wash	SP-03-0185C

3. Reductions were taken for pass-by capture and internal capture:

Table 3. Summary of Pass-By and Internal Capture Reductions		
	Pass-By Reductions %	
<u>Land Use</u>	<u>AM Peak</u>	<u>PM Peak</u>
Shopping Center	31	41
Fast Food w/ Drive-Thru	40	50
Car Care Center	0	0

4. No reductions were taken for internal capture or transit use.

EXISTING AND PLANNED ROADWAYS

South 1st Street – South 1st is the eastern boundary of the site and is classified as a four-lane undivided minor arterial in the Roadway Plan. The traffic volume on South 1st Street north of Slaughter Lane was approximately 7,110 vehicles per day (VPD) in 1997. This roadway is classified as a priority 2 route in the Bicycle Plan.

Slaughter Lane – This roadway is classified as a six-lane divided major arterial between Manchaca Road and IH 35. The 1997 traffic volumes on Slaughter Lane were approximately 27,560 and 30,210 vpd, respectively, east and west of South 1st Street. Slaughter Lane is in the Bicycle Plan as a priority 1 route.

Ralph Ablanedo Drive – This roadway ways is classified as a 2 lane commercial collector. The traffic volume on Ralph Ablanedo Drive was approximately 1,603vpd in 2000.

West Dittmar – This roadway is classified as a minor arterial west of South 1st Street. The 2003 traffic volumes on West Dittmar were 4,319vpd. This roadway is classified as a priority 2 route in the Bicycle Plan (Route #84).

Great Britain Drive – This roadway is classified as a residential collector. The 2001 traffic volumes for this roadway were 4,319vpd.

TRAFFIC ANALYSIS

The impact of site development traffic on the existing area roadways was analyzed. Two time periods and travel conditions were evaluated:

- 2003 Existing Conditions
- 2005 Build-Out Conditions

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 7 intersections, 2 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 4. Level of Service				
Intersection	2003		2005	
	AM	PM	AM	PM
South 1 st @ Ralph Ablenedo/Driveway A	B	C	B	C
South 1 st @ Slaughter Lane*	B	C	D	D
South 1 st @ Great Britain Drive	B	C	C	D
South 1 st @ Dittmar Road*	A	A	A	A
South 1 st @ Driveway B			B	C
South 1 st @ Driveway C			C	C
South 1 st @ Driveway D			C	C

* = SIGNALIZED

RECOMMENDATIONS

- 1) Additional right-of-way for South First Street may be acquired during the subdivision and/or site plan.
- 2) The portion of Ralph Ablenedo adjacent to the site must be vacated prior to approval of the subdivision and/or site plan. If Ralph Ablenedo is not vacated adjacent to the site boundary street fiscal will be required to upgrade this roadway.
- 3) Access to Yarsa Boulevard should be prohibited.
- 4) Final approval COA Public Works Department is required prior to 3rd Reading.
- 5) For information: Three copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to final reading of the zoning case.
- 6) Development of this property should be limited to uses and intensities assumed in the TIA. The use and intensities will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.



Emily M. Barron
Transportation Review Staff
Watershed Protection and Development Review

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant:
community commercial-mixed use (GR-MU) district zoning for Tract 1;
neighborhood commercial-mixed use (LR-MU) district zoning for Tract 2; and,
townhouse and condominium residence (SF-6) district zoning for Tract 3, **as shown in Exhibit B.**

The Restrictive Covenant would limit the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (January 14, 2004).

BACKGROUND

The subject property consists of undeveloped acreage and is zoned development reserve (DR) district. Access is taken to South First Street, an arterial roadway and the property also shares a driveway with the commercial development (lube shop, service station, plant nursery) to the south. Just east, Ralph Ablanado Drive forms a "T" intersection with South First Street.

Original Rezoning Request of GR for Entire Acreage

The applicant proposes to rezone the property to the community commercial (GR) district and develop the property with 134,000 square feet of retail uses, 4,000 square feet of fast food restaurants with drive-through service, and a 12,000 square foot auto repair use (lube / brake shop). Staff is not recommending GR for the entire site because the property is not located at an intersection (the common driveway was formerly Ralph Ablanado Drive, but was vacated and closed to improve circulation and safety when the intersection of Slaughter Lane and South First Street shifted to the south); there is approximately 30 acres of GR zoning at the intersection of Slaughter and South First, a significant portion of which is currently undeveloped, and there are existing residential uses – single family adjacent to the north and duplexes adjacent to the west that are generally incompatible with GR uses and development standards. Yarsa Boulevard, the street that terminates at the west property line, indicates that residential development may have previously been envisioned for this property.

Alternate Staff Recommendation

The alternate staff recommendation provides for mixture of commercial and residential uses on the tract, and situates commercial zoning along the South First Street frontage, and townhouse & condominium zoning adjacent to the existing single family residences and duplexes. Tract 1, which is two acres in size, is proposed for community commercial – mixed use (GR-MU) combining district zoning and is consistent with other commercial zonings and development along this segment of South First Street to its intersection with Slaughter Lane. For Tract 2, approximately 1.8 acres, staff recommends neighborhood commercial – mixed use (LR-MU) combining district zoning to provide less intensive commercial development adjacent to the SF-2 neighborhood to the north. In general, commercial zoning along South First Street provides the opportunity for the adjacent residents to access commercial goods and services without having to cross South First Street. The MU combining district permits commercial and civic uses in the base (GR, LR) district, townhouses, single family residential, duplexes, group residential and group home (Class I and II).

For the remaining 9.457 acres of the property – Tract 3, staff recommends townhouse and condominium residence (SF-6) district zoning. The SF-6 district serves as a transition district between the single family residences and duplexes to the north and west, and the commercial zoning proposed for Tracts 1 and 2 and adjacent commercial development to the south, and would further diversify the available housing types in this general area.

A comparison between the proposed Traffic Impact Analysis (TIA) and the staff recommendations, the latter assuming that the site develops to the maximum intensity allowed under the zoning classification, yields a similar trip generation figure. For the TIA proposal, the figure is 10,712 and for the staff recommendation it is 10,794.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Tract 1: 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.

Tract 2: The LR, 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 MU, Mixed Use overlay would allow for residential use to occur on the property.

Tract 3: The SF-6, Townhouse and Condominium Residence District, is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use. The applicant intends to develop the property with a condominium project consisting of detached units.

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

The alternate staff recommendation provides for mixture of commercial and residential uses on the tract, and situates commercial zoning along the South First Street frontage, and townhouse & condominium zoning adjacent to the existing single family residences and duplexes. In general, commercial zoning along South First Street provides the opportunity for the adjacent residents to access commercial goods and services without having to cross South First Street. The SF-6 district serves as a transition district between the single family residences and duplexes to the north and west, and the commercial zoning proposed for Tracts 1 and 2 and adjacent commercial development to the south, and would further diversify the available housing types in this general area.

EXISTING CONDITIONS

Site Characteristics

The site consists of undeveloped acreage. There appear to be no topographical constraints on this tract.

Impervious Cover

The maximum impervious cover allowed by the **GR** zoning district, as requested by the applicant would be 80% based on the more restrictive watershed regulations.

The maximum impervious cover allowed by the **GR-MU** zoning district as recommended by the staff, would be 80% based on the more restrictive watershed regulations. For the **LR-MU** zoning

district, the maximum impervious cover would be 80%, which is a consistent figure between the watershed and zoning regulations. For the SF-6 zoning district, the maximum amount of impervious cover would be 55%, also a consistent figure between the zoning and watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Slaughter Creek 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:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain 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.

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.

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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Stormwater

According to Section 25-7-61 of the Land Development Code, final plats, subdivision construction plans, and site plans cannot be approved if the proposed development results in additional identifiable adverse 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.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

Water: Domestic service is available from an eight-inch line on the south side of Ralph Ablanado Drive; an eight-inch on the east side of South First Street; or, an eight-inch in Yarsa Drive, a cul-de-sac stubbing into the west side of the property. Fire flow for commercial or retail uses, depending upon the requirements that the Fire Department sets out for the development, may require additional improvements at the developer's expense. The applicant should contact the Fire Department and have fire flow tests run to determine what flows are available.

Wastewater: Service is available from an eight-inch line in the middle of South First Street or an eight-inch line in the aforementioned Yarsa Drive.

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension and system upgrades are required. The landowner will be responsible for all costs and providing.

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's utility design criteria.

Compatibility Standards

The site is subject to compatibility standards. Along the north and west property lines, 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.
- 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.

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

Land ANSWERS

Land Development Consulting Services

611 South Congress Avenue, Suite 330

Austin, Texas 78704-1736

512/416-6611 Fax: 512/416-6610

E-mail: landanswers@sbcglobal.net

Fax Cover Sheet

Date: February 3, 2004

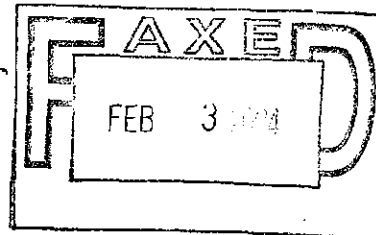
To: Melissa Whaley

Fax: 474-4557

From: Jim Wittliff

Pages to follow: 4

Re: Rich Retail Center



Melissa,

Here are the proposed boundaries for the GR-CO and SF-6 tracts, per your request. Also, here is a conceptual layout for the SF-6 tract, to show how it might lay out. I'm also including the requested rezoning conditions that I sent to Wendy Walsh on Jan. 26th, and a letter we received from the foundation that owns the adjacent duplexes to the west, stating their understanding and acceptance of our GR-CO rezoning proposal. My mobile # is 913-8300, in case you have any questions prior to the meeting.

Thanks,
Jim

*POST AMENDMENT AT
ZAP COMMISSION*

*ATTACHMENT B
PAGE 1 OF 5*

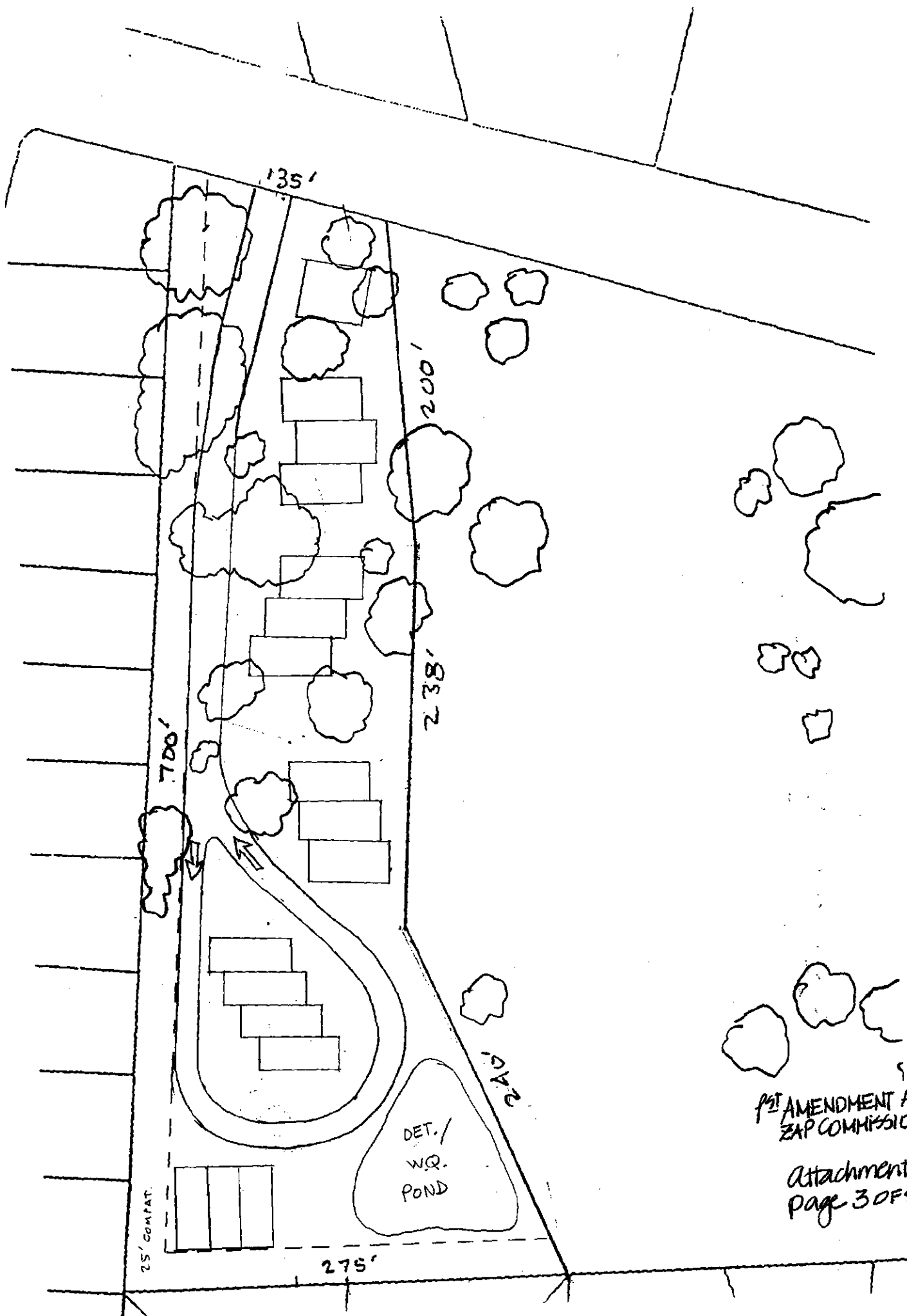
PARK PLACE

2.502 AC.
SF-6

SIMONETTI DRIVE

10.755 AC.
GR-CO

FIRST STREET
1ST AMENDMENT
AT ZAP COMMISSION
ATTACHMENT B
PAGE 2 OF 5



1ST AMENDMENT AT
ZAP COMMISSION

Attachment B
Page 3 OF 5

**C14-03-0147, Rich Retail Center
Requested Conditions for GR-CO and SF-6 Rezoning**

SF-6—2.502 Acres of tract to be rezoned to SF-6, per attached sketch.

GR—10.755 Acres of tract to be rezoned to GR-CO, per attached sketch.

CO—Prohibit Auto Rentals, Auto Repair, Auto Sales, Auto Washing, Bail Bond Services, Commercial Off-street Parking, Exterminating Services, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shops, Service Station, and Urban Farms.

Limit FAR to maximum of 0.26:1.

*PER AMENDMENT AT
ZAP COMMISSION*

*Attachment B
Page 4 of 5*

Feb 03 04 10:43a

Janet Thompson Wise

(512) 327-3644

p.2

12/19/2003 12:14

512-447-0288

FOUNDATION COMM

PAGE 01



creating housing where
families succeed

3036 South First
Suite 200
Austin, TX 78704

tel: (512) 447-2926
fax: (512) 447-0288

FACSIMILE

Date: December 19, 2003

To: Janet Wise
Company: Stanberry & Associates Realtors
Phone: 327-9310
Fax: 327-3644

From: John A. Rickard

No. Pages (including this page): 1

Subject: Zoning Application #C14-03-0147 (8700 South First Street)

We have reviewed your letter to Wendy Walsh at the City of Austin dated October 23, 2003, in which you outlined the proposed use of this property. We have no objection to the use detailed in the letter. We will, of course, want to see a copy of the covenants before they are approved so that we can confirm that the actual use will be consistent with that proposed in your letter.

We are not prepared at this point to say we are in favor of the proposed zoning - that will depend on the details - but we have no objection at this time.

Please do not hesitate to call me if you have any questions.

1ST AMENDMENT AT
ZAP COMMISSION

Attachment B
Page 5 of 5

Walsh, Wendy

From: landanswers [landanswers@sbcglobal.net]
Sent: Tuesday, February 10, 2004 4:03 PM
To: Janis Pinnelli; Melissa Whaley; Joseph Martinez; Keith Jackson; Clarke Hammond; Jay Gohil; John Philip Donisi; John-Michael V. Cortez; Betty Baker
Cc: Walsh, Wendy; Wise, Janet
Subject: Request for Amendment of Previous Action; Rich Retail Center, C14-03-0147



Rich Retail
equested Rezoning.

Dear Madame Chair and ZAP Commissioners:

In accordance with Section 10.400 of the ZAP bylaws, I am requesting your consideration to amend the recommendation made on February 3, 2004 for Case #C14-03-0147, known as Rich Retail Center. Our amendment request involves two specific components of the ZAP recommendation: (1) the recommendation to rezone a 200 foot wide strip along the tract's western property line to SF-6, and (2) Chairman Baker's comments about a Restaurant (General) use on the tract. Our reasons for this request are as follows:

(1) The topography on the western 200 foot wide portion of the Rich tract slopes from east to west, with a relatively flat 3.5% slope gradient. Because of Compatibility Standards, 25 foot wide buffers will be required between the SF-6 tract and the adjacent SF-3 lots (based on zoning), and between the SF-6 tract and the LR tract (based on use). Also, since detention ponds must be located a minimum of 50 feet from residential structures, additional setbacks will be required for both the ponds on the SF-6 tract and the ponds on the LR tract. From a design standpoint, the SF-6 tract along the western property line will be difficult to develop. Within the 200 foot property width, the access driveways, parking areas and structures must be located upstream (east) from the ponds, and the ponds must be setback 50 feet from both the adjacent duplex structures and the proposed SF-6 structures. We do not believe that any SF-6 project can be efficiently constructed in compliance with these regulations within the 200 foot width. Even the access driveway that would tie into the adjacent Yarsa Boulevard cul-de-sac would require a variance, since it would violate the Compatibility Standard regulation that prohibits driveways within 25 feet of SF-5 and more restrictive properties. We feel the layers of regulations listed

here could likely result in a site so difficult to develop that it remains undeveloped, creating the kind of "no man's land" that both the adjacent property owners and Chairman Baker hoped to avoid. As an alternative, we are requesting that ZAP consider amending the rezoning recommendation for this area from SF-6 to LR, as shown on the attached exhibit. This would allow us to construct ponds a minimum distance of 50 feet from the adjacent residences, and return the pond runoff to sheet flow, to protect the downstream properties. Landscape screening and/or berms could be added between the ponds and the SF-3 tracts. Retail buildings would be located a minimum distance of 70 feet from the SF-3 tracts. We are open to a restrictive covenant or whatever other assurance ZAP desires to effectively screen the SF-3 tracts and assure compatible land uses. We would like to remind you that John Rickard of Foundation Communities, the nonprofit that owns the adjacent duplexes, has already issued a letter stating no objection to the proposed retail use on Rich's property. A copy of Mr. Rickard's letter was distributed to you at the February 3rd hearing.

(2) It is Mr. Rich's realtor's opinion that there is a strong need and benefit to the surrounding area to have a General Restaurant (i.e., Diner, BBQ, Mexican, Italian, Chinese, etc.) on this property. Chairman Baker stated that she felt the Commission would "look favorably" on such a request in the future. We are requesting ZAP to grant GR-CO zoning for a specific 2 acre parcel as shown on the attached exhibit at this time. The proposed Conditional Overlay would limit the uses to Restaurant (General) and all LR uses. We feel this amendment will allow development of a beneficial use and

1 2ND AMENDMENT
AFTER ZAP COMMISSION ACTION
Attachment C
page 1 of 3

restrict the property from less desirable uses.

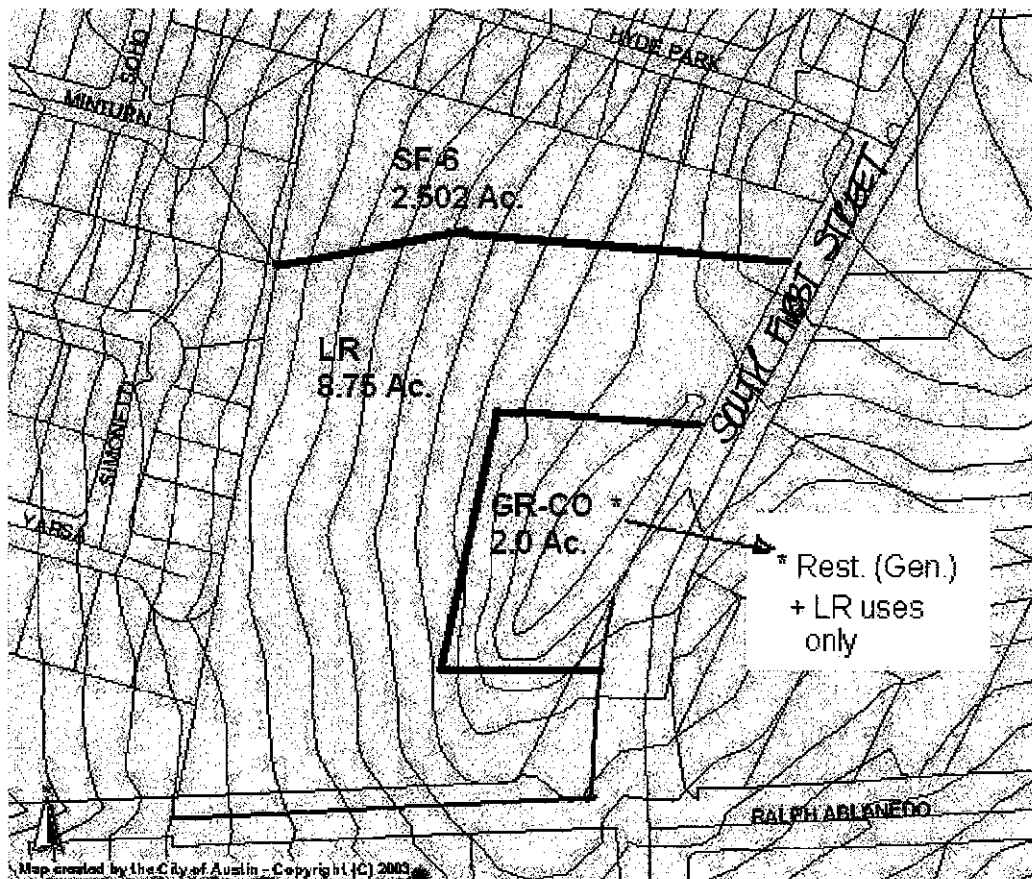
Thank you for your consideration of this amendment request. It is our understanding that the request to amend must be made by 2 or more Commissioners, and must then be affirmed by a two-thirds majority of the Commission.

Sincerely,

Jim Wittliff

2ND AMENDMENT
AFTER COMMISSION
ACTION

Attachment C
Page 2 of 3



2ND AMENDMENT
AFTER ZAP ACTION

Attachment C
Page 3 of 3

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1108, Austin, TX 78767-8835.

File # C14-03-0147-WW

Zoning & Platting Commission Hearing Date: 12/16/2003

Name (please print) _____

S. K. Peterson
605 Hyde Park Place
Austin, TX 78748-6524

☐ I am in favor
(Estoy de acuerdo)

Address _____

☒ I object
(No estoy de acuerdo)

*Preserve as is - provides sound barrier to
extensive traffic that now travels Slaughter Lane -
Natural wildlife habitat. Don't need a further
Commercial here especially behind all residential
area involved. Everyone is fully accessible to what they
need. Residents are here because reason there was no
commercial area. So - stop rezoning!*

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1108, Austin, TX 78767-8835.

File # C14-03-0147-WW

Zoning & Platting Commission Hearing Date: 12/16/2003

Name (please print) Steve Tlapak

☒ I am in favor
(Estoy de acuerdo)

Address 8905 S. First Street

☐ I object
(No estoy de acuerdo)

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning and Platting Commission

FROM: Dora Anguiano, Zoning and Platting Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: March 16, 2004

SUBJECT: Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

CASE # C14-03-0147

3. C14-03-0147 – RICH RETAIL CENTER, By: Mickey Rich Plumbing and Heating, Inc. (Mickey Rich), Land Answers (Jim Wittliff), 8700 Block of South 1st Street. (Slaughter Creek). **FROM DR TO GR. AMENDED TO: SF-6 (TRACT 1); GR-CO (TRACT 2). ALTERNATE RECOMMENDATION: GR-MU (TRACT 1); LR-MU (TRACT 2); SF-6 (TRACT 3).** City Staff: Wendy Walsh, 974-7719. **POSTPONED FROM 12-16 (STAFF/APPLICANT), 01-20 (APPLICANT).**

SUMMARY

Wendy Walsh, staff – “Since the last meeting, the applicant has gone back and amended his zoning to create two tracts. I have included his sketch and description on pages 17 and 18. He has created two tracts about 2 ½ acres on the north side, which would be SF-6 and on the south remainder of it, about 10 acres for GR-CO. He has come forth with additional conditions which limit the F.A.R. and prohibit several uses”.

Jim Wittliff, applicant – “The owner of the adjacent duplexes have stated that they are okay with the retail project as it was proposed to them. It was proposed with a 25-foot setback; we will increase that setback more than 25-feet. We’ll have the 25-foot compatibility area and the detention ponds and then the building. Building and parking should all be located at least 50 or 60-feet from the duplex property. As you requested two weeks ago, I did meet with the property owner and was able to convince him that it would good planning and in his interest to request SF-6 as a buffer on the north side of the property. I have done a sketch of how that could lay out; it’s a conceptual plan, I only have one copy and will pass it around”.

Commissioner Baker – “I’m going to make a comment; you basically are on Ralph Ablanado; the realignment doesn’t give you too much frontage on South First. Normally, we look at GR zoning at major intersections. In your response to a question about your uses, everything you named was an LR use”.

Mr. Wittliff – “Regarding Ralph Ablanado, it only exists east of South First Street, this is vacated right-of-way; it’s pavement, it’s not right-of-way to the south. It basically serves as an alley with a joint use access agreement, with the property owner to the south. The reason we are requesting GR zoning is because there are several uses. Although the uses may have been LR uses, there’s several GR uses as well. Any clothing store requires GR zoning, not LR zoning. A diner would require GR zoning; we’re not interested in any types of restaurants, but a diner would be something we would think is appropriate on this property. Regarding the frontage, we are considering this to be an extension of the GR property where the CS-CO property, which is up for sale, and is intended for redevelopment. We want a center that combines the two tracts together; that’s been the intent”.

Commissioner Cortez – “Is there a difference between a diner and a restaurant in the Code; I’m curious what that difference is?”

Commissioner Baker – “They have changed the definition so much that I’m going to ask staff to respond to that”.

Ms. Walsh – “Yes, there is a new code amendment for restaurant uses; LR does not permit any sales of alcohol and there’s a maximum of 3,000 square feet; drive-through is a conditional use. Under GR, alcohol is allowed, there is not a size limitation and drive-through is permitted”.

Commissioner Baker – “On page A3-9; the proposed development consists of the following land uses: fast-food, retail with drive-through, 12,000 square feet of car care center. Am I in the wrong section or is that what the T.I.A was based on and were these the ideas you first came in with?”

Ms. Walsh – “Yes, the car care center and the general retail sales; the T.I.A was based on this initial proposal and then the applicant amended his application to SF-6 and GR-CO, now excluding the auto uses”.

Commissioner Baker – “Okay, thank you”.

FAVOR

Betty Edgemon – “We’re getting there in favor, but what I wanted to remind you of was the CS-CO. The CS is just for that nursery, if that nursery ceases to exist, then it goes back to what it’s original zoning was”.

Commissioner Baker – “I’ve worked in land use for almost 30-years and I’ve never seen a rollback”.

Ms. Edgemon – “Alice told me at one time that they were working on it”.

Mr. Wittliff – “On the CS-CO property that Ms. Edgemon is referring to, I remember that case because I did that zoning case and the City Council did pass the CS, but with the intention that there be modification of the Code to allow landscape garden centers under 5-acres and under GR zoning with a conditional use. The intention at that time was for that property to be rolled back to GR with the passage of that; it did pass, but the rollback did not occur”.

Commissioner Baker – “I think you proved my point, thank you”.

OPPOSITION

No speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Jackson – “Looking at A3-8; If we look down South First on the south of the abandoned street and then on the other side; I’m much more inclined to allow some

more intensive uses along South First, but to preserve the back part of the property as SF-6 or some single-family use”.

Commissioner Baker – “There’s only 135-foot strip there; can you live with that?”

Commissioner Jackson – “I would be happy to meld the staff’s recommendation and what the applicant proposed”.

Commissioner Baker – “Do you want to start melding?”

Commissioner Jackson – “I would propose that looking at the staff’s exhibit on page 8, that Tract 1, which is approximately 2-acres, be zoned GR-MU; tract 2 be zoned LR-MU, except for modifying Tract 2 so that a strip approximately 135-feet south of the property line, south of Hyde Park Place, be zoned SF-6, and that Tract 3 be zoned SF-6”.

Commissioner Baker – “Are you leaving Tract 3, 2.5-acres in that configuration?”

Commissioner Jackson – “Tract 3 would be 9.5-acres”.

Commissioner Baker – “I’m sorry, are you leaving it in that configuration?”

Commissioner Jackson – “It would have a strip taken out of Tract 2 that basically fits the 135-feet shown on the applicant’s exhibit. It comes to the rear of Tract 2, shown on the staff exhibit and creates an “L” shaped tract, which is going to be approximately 10-acres”.

Commissioner Whaley – “I see where you’re going and I’m just wondering if the applicant’s request originally was for the entire tract and staff recommendation had the SF-6 towards the west side of the property by buffering the SF-2 on the north side, would there be a thought to increasing the depth; the GR on Tract 1 and the LR on Tract 2 that you’re proposing, keeping that buffer in the SF-6? If we’re going to have the SF-6, I’m really not that inclined to the MU”.

Commissioner Jackson – “I can drop the MU”.

Commissioner Whaley – “The applicant tried to come up with a proposal after the last meeting; he incorporated our concern on the SF-2 tract”.

Commissioner Martinez – “I’ll second the motion”.

Motion failed.

Commissioner Baker – “I will make another motion for 135-foot depth on the north side of the property and 135-foot on the west side to the depth of the existing duplexes, SF-6; which makes a big “L”. The remainder of the tract GR-CO with the conditional overlay

allowing only restaurant general as a permitted GR use; permitted LR uses. That would be my motion”.

Commissioner Whaley – “Would that include the FAR of .26 to 1?”

Commissioner Baker – “Yes, whatever the Code allows; I will not be changing anything in the Code”.

Commissioner Whaley – “I’ll second”.

Commissioner Jackson – “I think we are headed kind of to the same place. My concern is that with just 135-foot depth, all we’ve done was establish 135-foot buffer and we didn’t leave usable property there”.

Commissioner Baker – “I disagree, even in looking at his sketch, he showed a driveway, it would have houses on each side of this. I can’t go with GR because this is not a major intersection; that is an alley”.

There was discussion about the dimensions.

Commissioner Baker – “If we’re looking at A3-17; from the north property line where the structures are outlined, it would be a depth of 135-feet, that would go to your left, where it’s 200-feet away from the existing lot lines on the west, down to the existing duplexes on the south; that would be SF-6. The remainder of the tract would be LR”.

Commissioner Whaley – “There will be no consideration to a couple of uses out of the GR. I’m trying to get a couple of GR uses in there; not very many – like general retail general and restaurant”.

Commissioner Baker – “I think if there was some specificity on the part of the applicant or any time that a restaurant comes in, that it could be considered at that time; but I think it’s too broad to just give the GR without any need”.

Commissioner Whaley – “I will go with the amended motion”.

Commissioner Baker – “Mr. Wittliff, I wish there had been some real hard and fast need demonstrated for this tract, rather than just having an application. I feel that your application is premature”.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**BAKER, WHALEY
[REFER TO ATTACHMENT AS
MODIFIED BY THE ZONING AND
PLATTING COMMISSION; WITH
DIMENSIONS]**

**APPROVED SF-6 FOR TRACT 1 (L-
SHAPED AND ADJACENT TO THE
EXISTING SINGLE-FAMILY
RESIDENCES AND DUPLEXES); AND
LR FOR TRACT 2 (GENERALLY L-
SHAPED WITH FRONTAGE ON
SOUTH FIRST STREET AND ALSO
ALONG THE COMMON
DRIVEWAY ON THE SOUTH
PROPERTY LINE), WITH THE
CONDITIONS OF THE T.I.A
MEMORANDUM.**

AYES:

**PINNELLI, GOHIL, MARTINEZ,
JACKSON, WHALEY, HAMMOND,
BAKER, DONISI, CORTEZ**

MOTION CARRIED WITH VOTE: 9-0.