

**Zoning Ordinance Approval**

**CITY OF AUSTIN**

**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 75**

**AGENDA DATE: Thu 05/27/2004**

**PAGE: 1 of 1**

**SUBJECT:** C14-03-0147 - Rich Retail Center - Approve second/third readings of 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 community commercial-conditional overlay (GR-CO) combining district zoning for Tract 3; neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 2; townhouse & condominium residence (SF-6) district zoning for Tract 1, with conditions. First reading on March 25, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. 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

## SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0147

REQUEST:

Approve second / third readings of 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 for Tract 1; neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 2; and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 3.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading. For Tract 2, the Conditional Overlay includes prohibiting access to Yarsa Boulevard, as recommended by the Traffic Impact Analysis (TIA).

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

AGENT: Land Answers (Jim Wittliff)

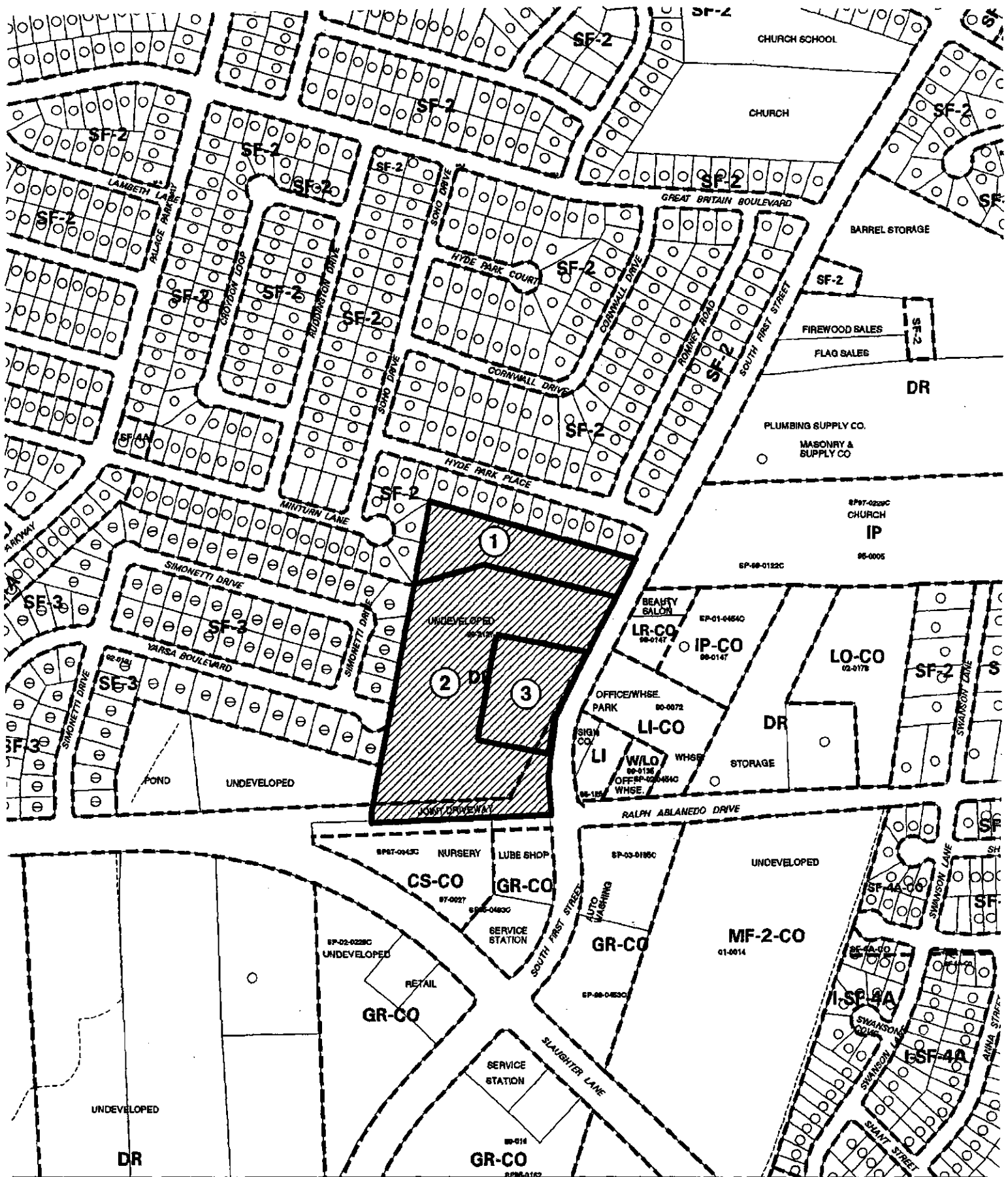
DATE OF FIRST READING: March 25, 2004, approved the applicant's amended request of SF-6 district zoning for Tract 1 (approximately 2.502 acres); LR-CO district zoning with a Conditional Overlay of a 70-foot wide building setback from the west property line for Tract 2 (approximately 8.75 acres); and GR-CO district zoning with the Conditional Overlay to allow Restaurant (General) and LR uses for Tract 3 (approximately 2.0 acres), as illustrated in Attachment C, and subject to the TIA requirements, on 1<sup>st</sup> Reading (7-0).

CITY COUNCIL HEARING DATE: May 27, 2004

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh, e-mail: wendy.walsh@ci.austin.tx.us



	<p><b>SUBJECT TRACT</b> </p> <p><b>PENDING CASE</b> </p> <p><b>ZONING BOUNDARY</b> </p> <p><b>CASE MGR: W. WALSH</b></p>	<p><b>ZONING</b></p> <p><b>CASE #: C14-03-0147</b></p> <p><b>ADDRESS: 8700 BLK S 1ST ST</b></p> <p><b>SUBJECT AREA (acres): 13.257</b></p> <p><b>DATE: 04-05</b></p> <p><b>INTLS: SM</b></p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p><b>F14</b></p>
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ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT THE 8700 BLOCK OF SOUTH FIRST STREET  
3 FROM DEVELOPMENT RESERVE (DR) DISTRICT TO TOWNHOUSE AND  
4 CONDOMINIUM RESIDENCE (SF-6) DISTRICT FOR TRACT ONE,  
5 NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO)  
6 COMBINING DISTRICT FOR TRACT TWO AND COMMUNITY  
7 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT  
8 FOR TRACT THREE.

9  
10 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

11  
12 **PART 1.** The zoning map established by Section 25-2-101 of the City Code is amended to  
13 change the base districts on the property described in Zoning Case No.C14-03-0147, on  
14 file at the Neighborhood Planning and Zoning Department, as follows:

15  
16 Tract One: From development reserve (DR) district to townhouse and  
17 condominium residence (SF-6) district.

18  
19 A 2.5737 acre tract of land, more or less, out of the William Cannon Survey No.  
20 19, in Travis County, the tract of land being more particularly described by metes  
21 and bounds in Exhibit "A" incorporated into this ordinance; and

22  
23 Tract Two: From development reserve (DR) district to neighborhood commercial-  
24 conditional overlay (LR-CO) combining district.

25  
26 An 8.5823 acre tract of land, more or less, out of the William Cannon Survey No.  
27 19 and the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land  
28 being more particularly described by metes and bounds in Exhibit "B"  
29 incorporated into this ordinance; and

30  
31 Tract Three: From development reserve (DR) district to community commercial-  
32 conditional overlay (GR-CO) combining district.

33  
34 A 2.1020-acre tract of land, more or less, out of the William Cannon Survey No. 19  
35 and the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land  
36 being more particularly described by metes and bounds in Exhibit "C"  
37 incorporated into this ordinance; (the "Property")

1 locally known as the property located at the 8700 block of South First Street in the City of  
2 Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

3  
4 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
5 established by this ordinance is subject to the following conditions:

- 6  
7 1. The minimum building setback for Tract Two is 70 feet from its west property line.  
8  
9 2. Vehicular access from Tract Two to Yarsa Boulevard is prohibited. All vehicular access  
10 to the Property shall be from other adjacent public streets, or through other adjacent  
11 property.  
12  
13 3. The following uses are prohibited uses of Tract Three:

14	Automotive rentals	Automotive repair services
15	Automotive sales	Automotive washing (of any type)
16	Bail bond services	Business or trade school
17	Business support services	Commercial off street parking
18	Communications services	Drop-off recycling collection facility
19	Exterminating services	Funeral services
20	General retail sales (general)	Hotel/motel
21	Indoor entertainment	Indoor sports and recreation
22	Outdoor entertainment	Outdoor sports and recreation
23	Pawnshop services	Personal improvement services
24	Research services	Theater
25	Community recreation (private)	Community recreation (public)
26	Congregate living	Group home, Class II
27	Hospital services (limited)	Hospital services (general)
28	Residential treatment	
29		

30  
31 Except as specifically restricted under this ordinance, the Property may be developed and  
32 used in accordance with the regulations established for the respective base districts and  
33 other applicable requirements of the City Code.  
34  
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40

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

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3  
4 **PASSED AND APPROVED**

5  
6  
7  
8 \_\_\_\_\_, 2004

§  
§  
§

9 \_\_\_\_\_ Wynn  
10 \_\_\_\_\_ Mayor

11  
12  
13 **APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

14 David Allan Smith  
15 City Attorney

Shirley A. Brown  
City Clerk

C14-03-0147  
TRACT 1  
SF-6 district zoning

Exhibit "A"

TRACT "A"

METES AND BOUNDS DESCRIPTION

Being all that certain 2.5737 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19, Travis County, Texas, and being out of and part of that certain 12.419 acre tract as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR), and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron rod found marking the Northeast corner hereof, same being the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 360, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 135.00 feet to a point for the Southeast corner hereof;

THENCE, North 73 48'50" West, a distance of 450.87 feet to a point for corner hereof;

THENCE, South 77 20'05" West, a distance of 240.00 feet to a point for the Southwest corner hereof, same being located in the East line of BUCKINGHAM ESTATES PHASE IV SECTION C, according to the map or plat thereof recorded in Volume 84, Page 61C, TCPR, same being in the West line of said 12.419 acre tract;

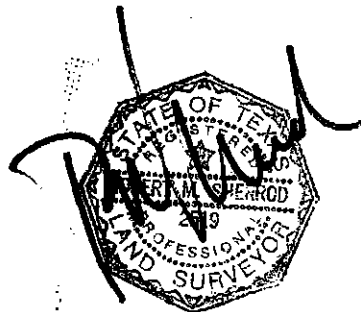
THENCE, North 13 37' East, with the said East line of PHASE IV SECTION C and the said West line of the 12.419 acre tract, a distance of 275.00 feet to an iron rod found marking the Northwest corner hereof, same being the Northwest corner of said 12.419 acre tract, same being the Northeast corner of said PHASE IV SECTION C, same being also in the South line of BUCKINGHAM ESTATES PHASE III, SECTION 2-A, according to the map or plat thereof recorded in Volume 80, Page 173, TCPR;

THENCE, South 71 33' East, with the North line of said 12.419 acre tract and the South line of said PHASE III SECTION ONE and said PHASE III SECTION 2-A, a distance of 706.55 feet to the POINT OF BEGINNING and containing 2.5737 acres of land.

BASIS OF BEARINGS: Vol. 10129, Page 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.  
GEO, A Geographical Land Services Co.  
4412 Spicewood Springs Road, #1002  
Austin, Texas 78759  
April 30, 2004  
GEO Job No.0410979



C14-03-0147  
Tract 2  
LR-Co district zoning  
TRACT "B"

Exhibit "B"

METES AND BOUNDS DESCRIPTION

Being all that certain 8.5823 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19 and the S. F. SLAUGHTER LEAGUE SURVEY NO. 1, Travis County, Texas, and being out of and part of that certain 13.2580 acre tract(s) same being comprised of six (6) tracts: (a) 12.419 acres as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 861, Travis County Real Property Records (TCRPR); and (b) 0.371 acres, 0.224 acres, 0.143 acres, 0.057 acres and 0.044 acres as conveyed by Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 12923, Page 173, TCRPR; said 8.5823 acre tract being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 135.00 feet to a point for the Northeast corner and POINT OF BEGINNING hereof;

THENCE, North 73 48'50" West, a distance of 450.87 feet to a point for corner hereof;

THENCE, South 77 20'05" West, a distance of 240.00 feet to a point for the Southwest corner hereof, same being located in the East line of BUCKINGHAM ESTATES PHASE IV SECTION C, according to the map or plat thereof recorded in Volume 84, Page 61C, TCPR, same being in the West line of said 12.419 acre tract;

THENCE, South 13 37' West, with the said East line of PHASE IV SECTION C and the said West line of the 12.419 acre tract, a distance of 751.16 feet to an iron rod found marking the Southwest corner of said 12.419 acre tract, same being the Southeast corner of said PHASE IV SECTION C, same being the Northwest corner of said 0.371 acre tract;

THENCE, South 00 26'50" West, with the West line of said 0.371 acre tract, a distance of 35.00 feet to a point marking the Southwest corner hereof, same being the Southwest corner of said 0.371 acre tract, and being also located in the North line of Lot 3, SLAUGHTER/SOUTH FIRST SECTION TWO, a subdivision according to the map or plat thereof recorded in Volume 96, Page 362, TCPR;

THENCE, South 89 29'50" East, with the South line hereof and the North line of said SLAUGHTER/SOUTH FIRST SECTION TWO, passing at a distance of 459.60 feet to a point marking the common South corner of said 0.371 acre tract and said 0.224 acre tract, passing at a distance of 498.50 feet the common South corner of said 0.224 acre and said 0.143 acre tract, passing at a distance of 537.40 feet the common South corner of said 0.143 acre tract and said 0.044 acre tract, and continuing a total distance of 593.56 feet to a point for the Southeast corner hereof, same being the Northeast corner of said SLAUGHTER/SOUTH FIRST SECTION TWO, and being also located in the Westerly right-of-way line of South 1st Street (90 feet in width);

THENCE, with the said Westerly right-of-way line of South 1st Street, a distance of 124.47 feet to a point of curvature;

THENCE, with the said Westerly right-of-way line of South 1st Street along the arc of a curve to the right, said curve having a radius of 494.12 feet, a chord bearing and distance of North 02 31'30" East-73.38 feet to a point for corner hereof;

THENCE, North 76 09'50" West, a distance of 240.00 feet to a point for corner hereof;

THENCE, North 13 21'45" East, a distance of 349.00 feet to a point for corner hereof;



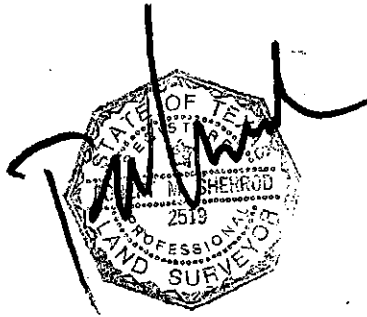
THENCE, North 76 09'50" East, a distance of 309.63 feet to a point for corner hereof located in the said West right-of-way line of South 1st Street;

THENCE, North 30 10' East, with the said West right-of-way line of South 1st Street, a distance of 205.00 feet to the POINT OF BEGINNING and containing 8.5823 acres of land.

BASIS OF BEARINGS: Vol. 10129, Page 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.  
GEO, A Geographical Land Services Co.  
4412 Spicewood Springs Road, #1002  
Austin, Texas 78759  
April 30, 2004  
GEO Job No.0410979



C14-03-0147  
TRACT 3  
GR-CO district zoning

Exhibit "C"

TRACT "C"

METES AND BOUNDS DESCRIPTION

Being all that certain 2.1020 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19 and the S. F. SLAUGHTER LEAGUE SURVEY NO. 1, Travis County, Texas, and being out of and part of that certain 13.2580 acre tract(s) same being comprised of six (6) tracts: (a) 12.419 acres as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR); and (b) 0.371 acres, 0.224 acres, 0.143 acres, 0.057 acres and 0.044 acres as conveyed by Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 12923, Page 173, TCRPR; said 2.1020 acre tract being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 360, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 340.00 feet to a point for the Northeast corner and the POINT OF BEGINNING hereof;

THENCE, continue, South 30 10" West, with the said West right-of-way line of South 1st Street, a distance of 237.07 feet to a point of curvature;

THENCE, in a Southwesterly direction along the arc of a curve to the left and with the said Westerly right-of-way line of South 1st Street, said curve having a radius of 494.12 feet, a chord bearing and distance of South 13 52'20" West-121.44 feet to a point for the Southeast corner hereof;

THENCE, North 76 09'50" West, a distance of 240.00 feet to a point for corner;

THENCE, North 13 21'45" East, a distance of 349.00 feet to a point for corner;

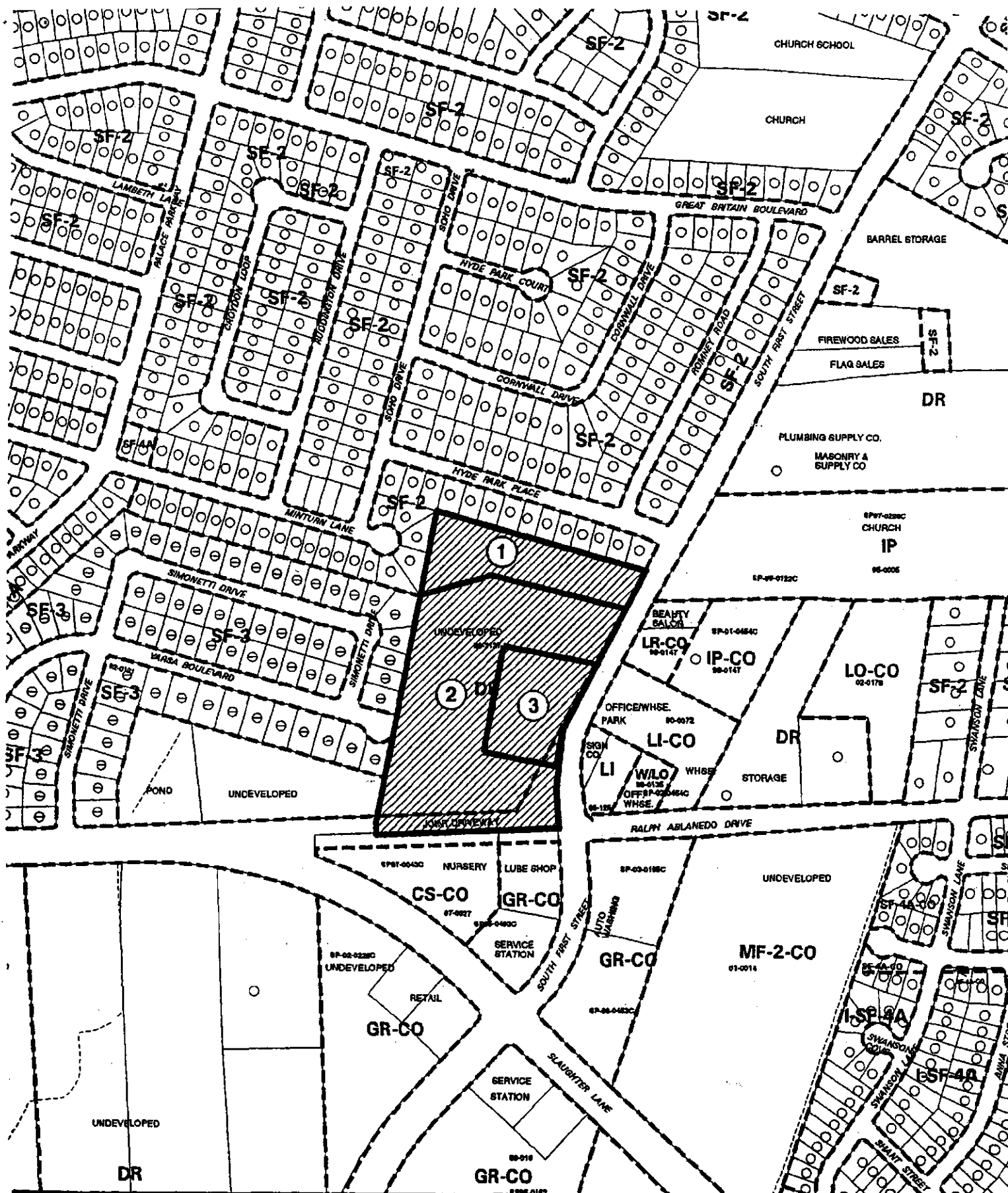
THENCE, South 76 09'50" East, a distance of 309.63 feet to the POINT OF BEGINNING hereof and containing 2.1020 acres of land.

BASIS OF BEARINGS: Vol. 10129, Pg. 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.  
GEO, A Geographical Land Services Co.  
4412 Spicewood Springs Road, #1002  
Austin, Texas 78759  
April 30, 2004  
GEO Job No.0410979





<p>1" = 400'</p> <p><b>SUBJECT TRACT</b></p> <p><b>PENDING CASE</b></p> <p><b>ZONING BOUNDARY</b></p> <p><b>CASE MGR: W. WALSH</b></p>	<p align="center"><b>ZONING EXHIBIT D</b></p> <p><b>CASE #: C14-03-0147</b></p> <p><b>ADDRESS: 8700 BLK S 1ST ST</b></p> <p><b>SUBJECT AREA (acres): 13.257</b></p> <p><b>DATE: 04-05</b></p> <p><b>INTLS: SM</b></p>	<p><b>CITY GRID</b></p> <p><b>REFERENCE</b></p> <p><b>NUMBER</b></p> <p><b>F14</b></p>
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**RESTRICTIVE COVENANT**

OWNER: Mickey Rich Plumbing and Heating, Inc., Texas corporation

ADDRESS: P.O. Box 150758, Austin, TX 78715 26

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Tract One: A 2.5737 acre tract of land, more or less, out of the William Cannon Survey No. 19, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant, and

Tract Two: An 8.5823 acre tract of land, more or less, out of the William Cannon Survey No. 19 and the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant, and

Tract Three: A 2.1020 acre tract of land, more or less, out of the William Cannon Survey No. 19 and the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Robert J. Halls and Associates, and Greear and Associates, dated April 16, 2004, or as amended and approved by the Director of the Watershed Protection and Development Review Department. Development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated May 4, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**OWNER:**

Mickey Rich Plumbing and Heating, Inc.,  
a Texas corporation

By: \_\_\_\_\_  
Mickey Rich,  
President

**APPROVED AS TO FORM:**

  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS   §**

**COUNTY OF TRAVIS   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2004, by Mickey Rich, President of Mickey Rich Plumbing and Heating, Inc., a Texas corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, State of Texas

C14-03-0147  
TRACT 1  
SF-6 district zoning

Exhibit "A"

TRACT "A"

METES AND BOUNDS DESCRIPTION

Being all that certain 2.5737 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19, Travis County, Texas, and being out of and part of that certain 12.419 acre tract as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR), and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron rod found marking the Northeast corner hereof, same being the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 135.00 feet to a point for the Southeast corner hereof;

THENCE, North 73 48'50" West, a distance of 450.87 feet to a point for corner hereof;

THENCE, South 77 20'05" West, a distance of 240.00 feet to a point for the Southwest corner hereof, same being located in the East line of BUCKINGHAM ESTATES PHASE IV SECTION C, according to the map or plat thereof recorded in Volume 84, Page 61C, TCPR, same being in the West line of said 12.419 acre tract;

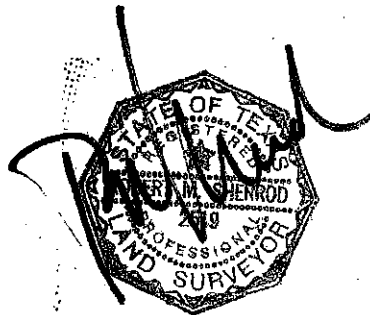
THENCE, North 13 37' East, with the said East line of PHASE IV SECTION C and the said West line of the 12.419 acre tract, a distance of 275.00 feet to an iron rod found marking the Northwest corner hereof, same being the Northwest corner of said 12.419 acre tract, same being the Northeast corner of said PHASE IV SECTION C, same being also in the South line of BUCKINGHAM ESTATES PHASE III, SECTION 2-A, according to the map or plat thereof recorded in Volume 80, Page 173, TCPR;

THENCE, South 71 33' East, with the North line of said 12.419 acre tract and the South line of said PHASE III SECTION ONE and said PHASE III SECTION 2-A, a distance of 706.55 feet to the POINT OF BEGINNING and containing 2.5737 acres of land.

BASIS OF BEARINGS: Vol. 10129, Page 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.  
GEO. A Geographical Land Services Co.  
4412 Spicewood Springs Road, #1002  
Austin, Texas 78759  
April 30, 2004  
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C14-03-0147  
Tract 2  
LR-CO district zoning  
TRACT "B"

Exhibit "B"

METES AND BOUNDS DESCRIPTION

Being all that certain 8.5823 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19 and the S. F. SLAUGHTER LEAGUE SURVEY NO. 1, Travis County, Texas, and being out of and part of that certain 13.2580 acre tract(s) same being comprised of six (6) tracts: (a) 12.419 acres as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR); and (b) 0.371 acres, 0.224 acres, 0.143 acres, 0.057 acres and 0.044 acres as conveyed by Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 12923, Page 173, TCRPR; said 8.5823 acre tract being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 135.00 feet to a point for the Northeast corner and POINT OF BEGINNING hereof;

THENCE, North 73 48'50" West, a distance of 450.87 feet to a point for corner hereof;

THENCE, South 77 20'05" West, a distance of 240.00 feet to a point for the Southwest corner hereof, same being located in the East line of BUCKINGHAM ESTATES PHASE IV SECTION C, according to the map or plat thereof recorded in Volume 84, Page 61C, TCPR, same being in the West line of said 12.419 acre tract;

THENCE, South 13 37' West, with the said East line of PHASE IV SECTION C and the said West line of the 12.419 acre tract, a distance of 751.16 feet to an iron rod found marking the Southwest corner of said 12.419 acre tract, same being the Southeast corner of said PHASE IV SECTION C, same being the Northwest corner of said 0.371 acre tract;

THENCE, South 00 26'50" West, with the West line of said 0.371 acre tract, a distance of 35.00 feet to a point marking the Southwest corner hereof, same being the Southwest corner of said 0.371 acre tract, and being also located in the North line of Lot 3, SLAUGHTER/SOUTH FIRST SECTION TWO, a subdivision according to the map or plat thereof recorded in Volume 96, Page 362, TCPR;

THENCE, South 89 29'50" East, with the South line hereof and the North line of said SLAUGHTER/SOUTH FIRST SECTION TWO, passing at a distance of 459.60 feet to a point marking the common South corner of said 0.371 acre tract and said 0.224 acre tract, passing at a distance of 498.50 feet the common South corner of said 0.224 acre and said 0.143 acre tract, passing at a distance of 537.40 feet the common South corner of said 0.143 acre tract and said 0.044 acre tract, and continuing a total distance of 593.56 feet to a point for the Southeast corner hereof, same being the Northeast corner of said SLAUGHTER/SOUTH FIRST SECTION TWO, and being also located in the Westerly right-of-way line of South 1st Street (90 feet in width);

THENCE, with the said Westerly right-of-way line of South 1st Street, a distance of 124.47 feet to a point of curvature;

THENCE, with the said Westerly right-of-way line of South 1st Street along the arc of a curve to the right, said curve having a radius of 494.12 feet, a chord bearing and distance of North 02 31'30" East-73.98 feet to a point for corner hereof;

THENCE, North 76 09'50" West, a distance of 240.00 feet to a point for corner hereof;

THENCE, North 13 21'45" East, a distance of 349.00 feet to a point for corner hereof;

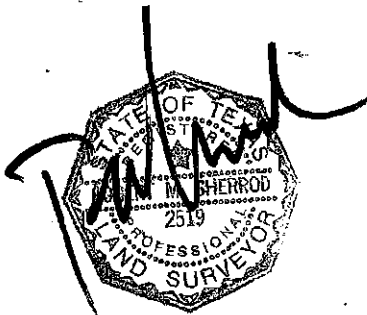
THENCE, North 76 09'50" East, a distance of 309.63 feet to a point for corner hereof located in the said West right-of-way line of South 1st Street;

THENCE, North 30 10' East, with the said West right-of-way line of South 1st Street, a distance of 205.00 feet to the POINT OF BEGINNING and containing 8.5823 acres of land.

BASIS OF BEARINGS: Vol. 10129, Page 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.  
GEO, A Geographical Land Services Co.  
4412 Spicewood Springs Road, #1002  
Austin, Texas 78759  
April 30, 2004  
GEO Job No.0410979





C14-03-0147  
TRACT 3  
GR-CO district zoning

Exhibit "C"

TRACT "C"

METES AND BOUNDS DESCRIPTION

Being all that certain 2.1020 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19 and the S. F. SLAUGHTER LEAGUE SURVEY NO. 1, Travis County, Texas, and being out of and part of that certain 13.2580 acre tract(s) same being comprised of six (6) tracts: (a) 12.419 acres as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR); and (b) 0.371 acres, 0.224 acres, 0.143 acres, 0.057 acres and 0.044 acres as conveyed by Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 12923, Page 173, TCRPR; said 2.1020 acre tract being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 340.00 feet to a point for the Northeast corner and the POINT OF BEGINNING hereof;

THENCE, continue, South 30 10" West, with the said West right-of-way line of South 1st Street, a distance of 237.07 feet to a point of curvature;

THENCE, in a Southwesterly direction along the arc of a curve to the left and with the said Westerly right-of-way line of South 1st Street, said curve having a radius of 494.12 feet, a chord bearing and distance of South 13 52'20" West-121.44 feet to a point for the Southeast corner hereof;

THENCE, North 76 09'50" West, a distance of 240.00 feet to a point for corner;

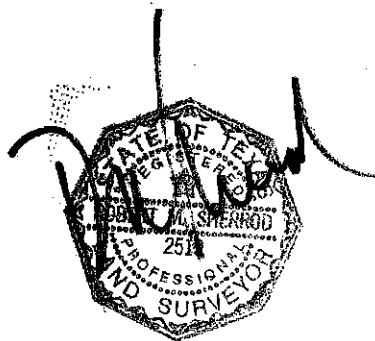
THENCE, North 13 21'45" East, a distance of 349.00 feet to a point for corner;

THENCE, South 76 09'50" East, a distance of 309.63 feet to the POINT OF BEGINNING hereof and containing 2.1020 acres of land.

BASIS OF BEARINGS: Vol. 10129, Pg. 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.  
GEO, A Geographical Land Services Co.  
4412 Spicewood Springs Road, #1002  
Austin, Texas 78759  
April 30, 2004  
GEO Job No.0410979



**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Diana Minter, Legal Assistant**

## **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

**2<sup>ND</sup> AMENDMENT AFTER COMMISSION ACTION:**

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

**1<sup>ST</sup> 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 2<sup>ND</sup>] (8-0) C.H – ABSENT*

January 20, 2004: *POSTPONED TO 02/03/04 (APPLICANT)*  
*[J.M.; J.G 2<sup>ND</sup>] (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 2<sup>ND</sup>] (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:**

	<b>ZONING</b>	<b>LAND USES</b>
<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  
 262 – Beaconridge Neighborhood Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 511 – Austin Neighborhoods Council

242 – Slaughter Lane Neighborhood Assn.  
 300 – Terrell Lane Interceptor Association  
 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 Ablanado 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 Ablanado 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 Ablanado Drive and there is a Priority #2 bicycle route #222 recommended for South First Street.

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

**ACTION:** Approved the applicant's amended request of SF-6 district zoning for Tract 1 (approximately 2.502) acres; LR-CO district zoning with a Conditional Overlay of a 70-foot wide building setback from the west property line for Tract 2 (approximately 8.75 acres); and, GR-CO district zoning with the Conditional Overlay for Restaurant (General) and LR uses for Tract 3 (approximately 2.0 acres), as illustrated in Attachment C, and subject to the TIA requirements, on 1<sup>st</sup> Reading (7-0).

May 27, 2004

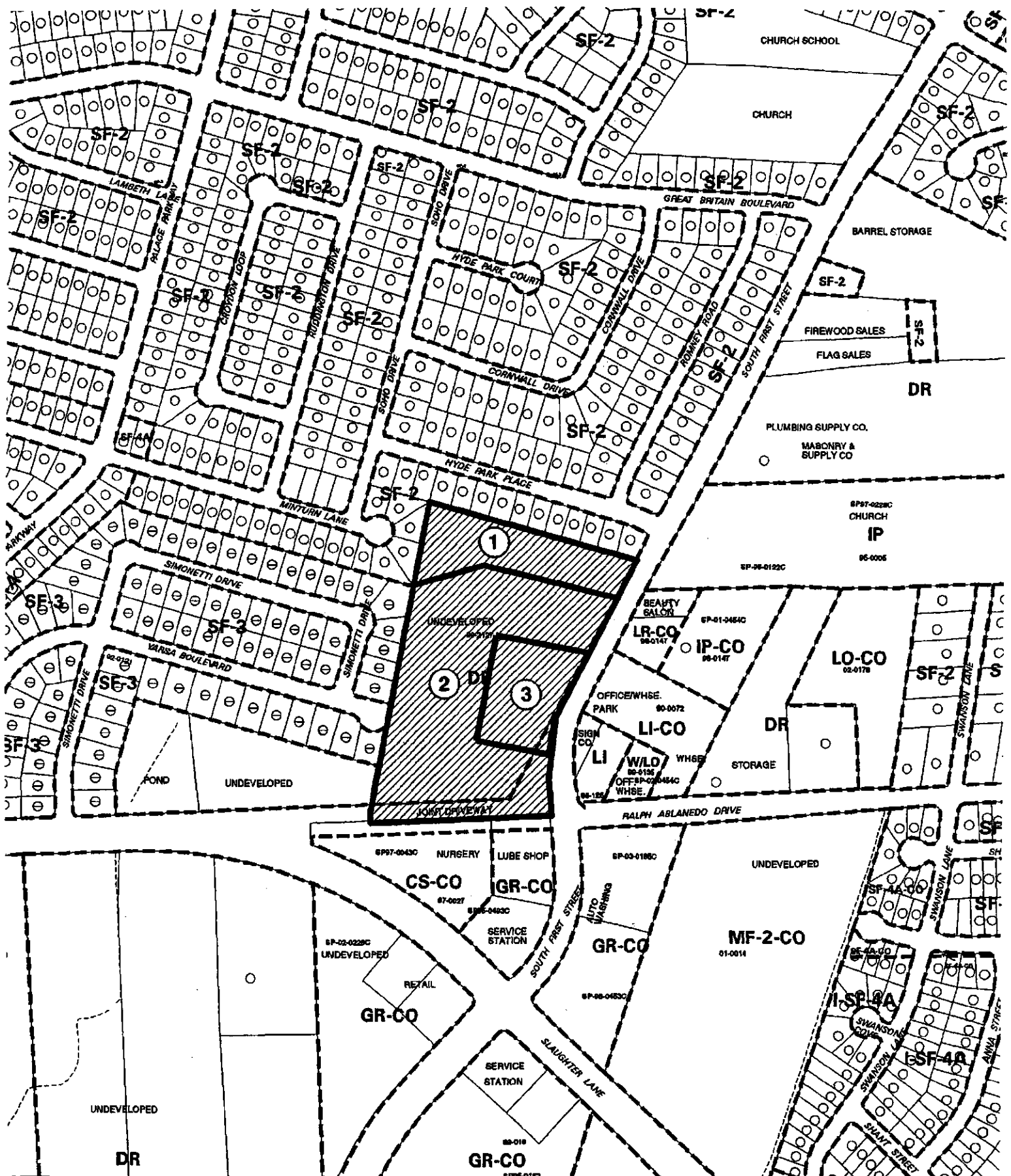
**ORDINANCE READINGS:** 1<sup>st</sup> March 25, 2004      2<sup>nd</sup>      3<sup>rd</sup>





**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail: [wendy.walsh@ci.austin.tx.us](mailto:wendy.walsh@ci.austin.tx.us)

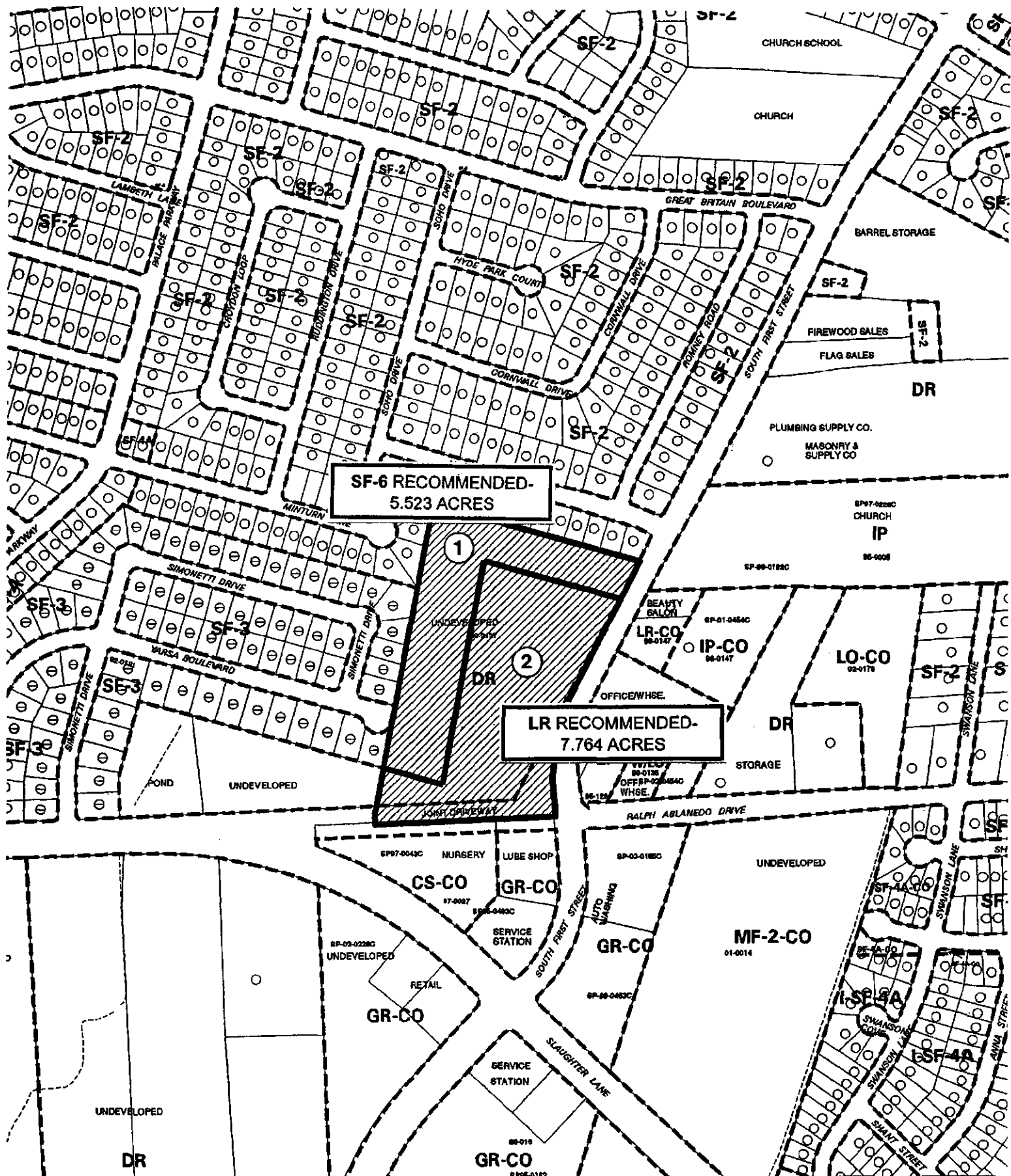
**PHONE:** 974-7719






 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT A</b>  CASE #: C14-03-0147 ADDRESS: 8700 BLK S 1ST ST SUBJECT AREA (acres): 13.257  DATE: 04-05 INTLS: SM	CITY GRID REFERENCE NUMBER F14
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			





 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	ZAP RECOMMENDATION <b>Exhibit C</b> 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:** May 4, 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 amended in April 2004, and offers the following comments:

### **TRIP GENERATION**

Rich Retail is a 13.257-acre development located in southwest Austin along South First Street just north of Slaughter Lane at the intersection of Ralph Ablenado and South First Street. The TIA for the project was prepared by Robert J. Halls in August of 2003.

The proposed development consists of the following land uses:

- 113,150 square feet of Retail
- 4,000 square foot Fast Food Restaurant with Drive – Thru
- 30 Multi Family Dwelling Units

The property is currently undeveloped and zoned Development Reserve (DR). The applicant has requested a zoning change to Community Commercial with a conditional overlay (GR-CO), Neighborhood Commercial (LR) and Townhouse and Condominium Residence (SF-6). 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 9,906 unadjusted average daily trips (ADT).

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

<b>Table 1. Adjusted Trip Generation</b>						
			<b>AM Peak</b>		<b>PM Peak</b>	
<b>LAND USE</b>	<b>Size SF</b>	<b>ADT</b>	<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>
Retail	113,150	6,500	70	45	186	202
Fast Food Restaurant with Drive Thru	4,000	1,567	61	59	35	32
Multi Family	30du	541	4	16	15	8
<b>TOTAL</b>		<b>8,608</b>	<b>135</b>	<b>120</b>	<b>236</b>	<b>242</b>

### **ASSUMPTIONS**

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

<b>Table 2. Growth Rates per Year</b>	
<b>Roadway Segment</b>	<b>%</b>
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:

<b>Table 3. Summary of Pass-By and Internal Capture Reductions</b>		
	<b>Pass-By Reductions %</b>	
<u>Land Use</u>	<u>AM Peak</u>	<u>PM Peak</u>
Retail	33	43
Fast Food w/ Drive-Thru	40	50
Multi Family	0	0

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

### **EXISTING AND PLANNED ROADWAYS**

**South 1<sup>st</sup> Street** – South 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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:

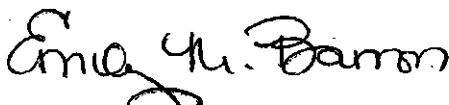
<b>Table 4. Level of Service</b>				
<b>Intersection</b>	<b>2003</b>		<b>2005</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
South 1 <sup>st</sup> @ Ralph Ablenedo/Driveway A	B	C	B	C
South 1 <sup>st</sup> @ Slaughter Lane*	B	C	D	D
South 1 <sup>st</sup> @ Great Britain Drive	B	C	C	D
South 1 <sup>st</sup> @ Dittmar Road*	A	A	A	A
South 1 <sup>st</sup> @ Driveway B			B	C
South 1 <sup>st</sup> @ Driveway C			B	C
South 1 <sup>st</sup> @ Driveway D			B	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 3<sup>rd</sup> Reading.
- 5) 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 Ablanedo 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

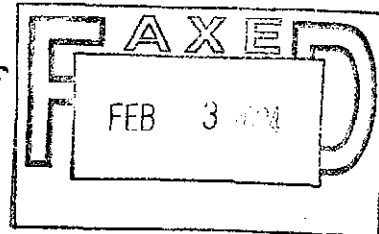
**To:** Melissa Whaley

**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. 26<sup>th</sup>, 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*

*1<sup>st</sup> AMENDMENT AT  
ZAP COMMISSION*

*ATTACHMENT B  
PAGE 1 OF 5*

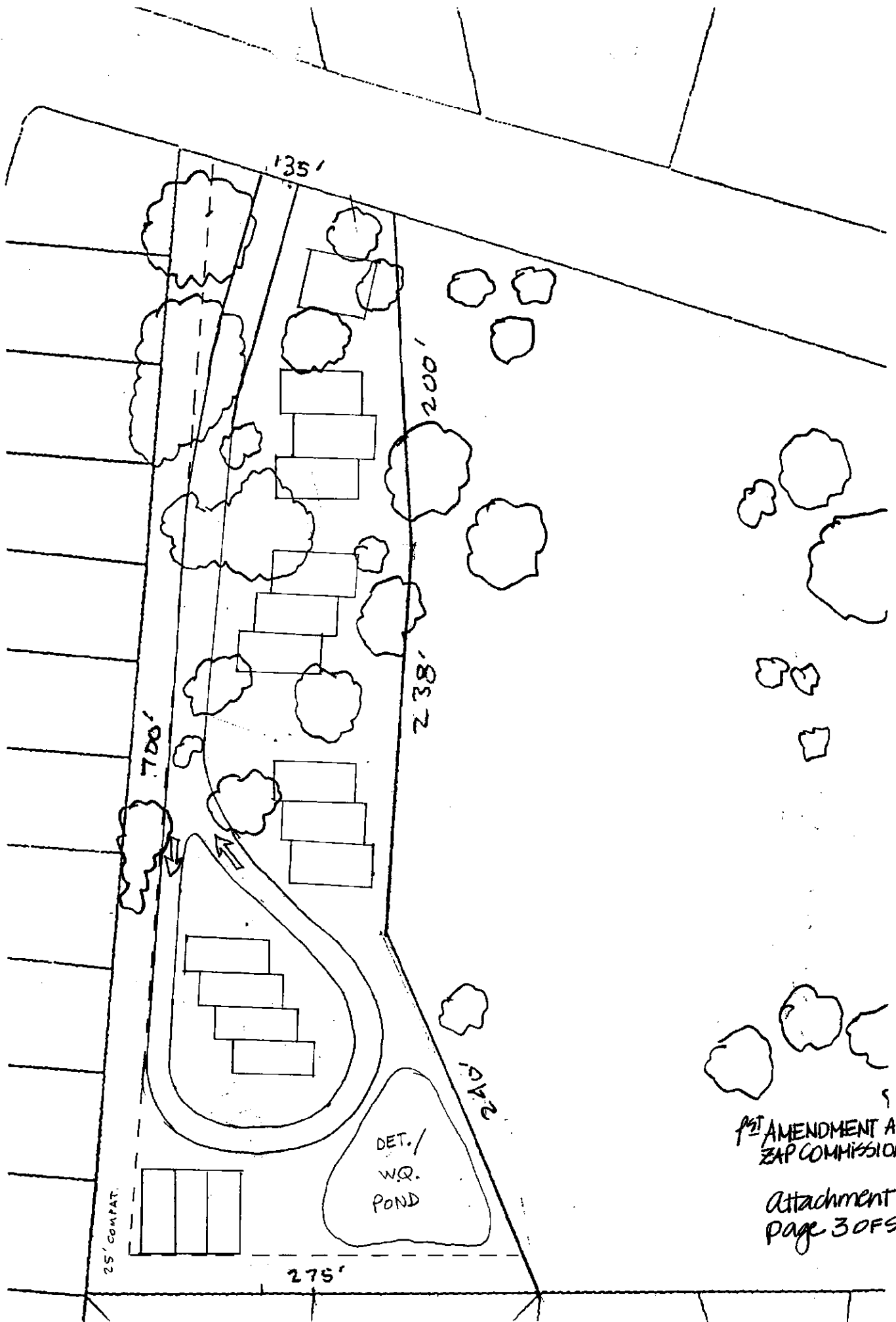
HIDE PARK PLACE

2.502 AC.  
SF-6

10.755 AC.  
GR-CO

SIMONETTI DRIVE

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



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

512-447-3288

FOUNDATION COMM

PAGE 01 ✓



creating housing where  
families succeed

3036 South First  
Suite 200  
Austin, TX 78704

tel: (512) 447-2026  
fax: (512) 447-0209

## 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.

1<sup>ST</sup> 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  
Requested 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 2<sup>ND</sup> AMENDMENT  
AFTER ZAP COMMISSION ACTION  
Attachment C  
page 1 of 3

restrict the property from less desirable uses.

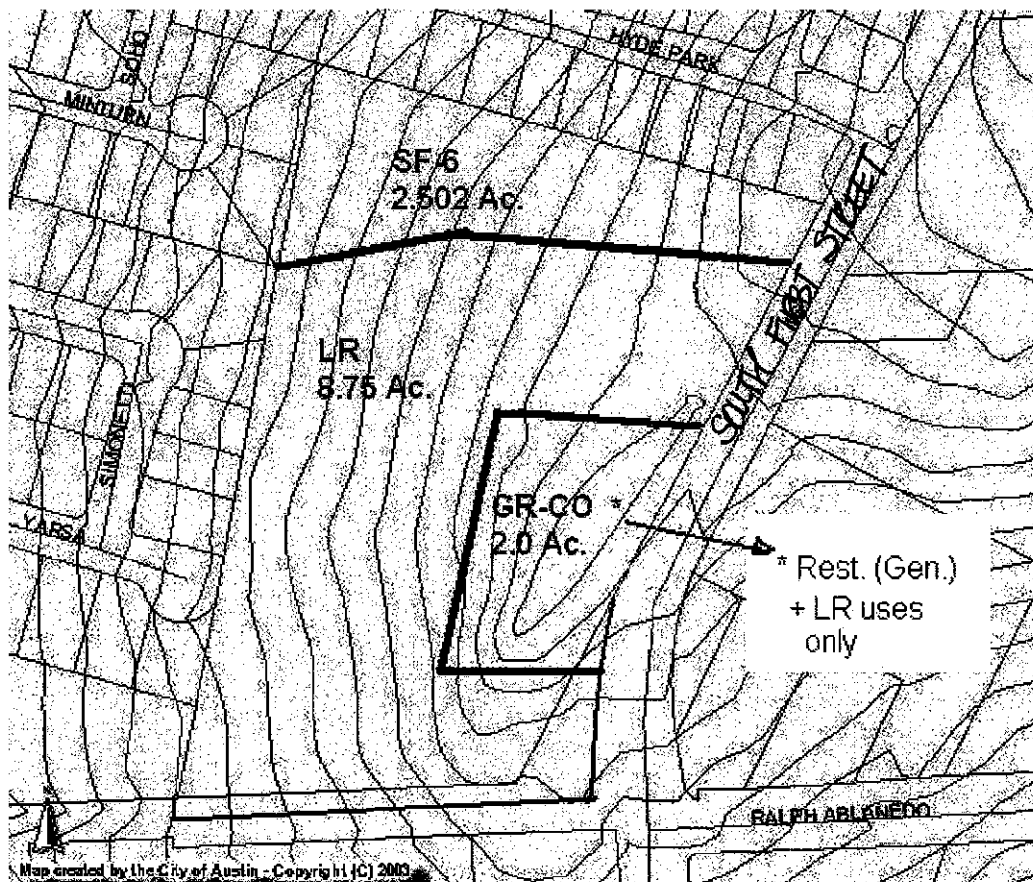
Thank you for your consideration of this amendment request. It is our understanding that the request to amend must be made by 2 or more Commissioners, and must then be affirmed by a two-thirds majority of the Commission.

Sincerely,

Jim Wittliff

2ND AMENDMENT  
AFTER COMMISSION  
ACTION

Attachment C  
page 2 of 3



2<sup>ND</sup> 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 118, 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

Address \_\_\_\_\_

- ☐ I am in favor  
(Estoy de acuerdo)  
☒ 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 . Stop rezoning !*

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 118, Austin, TX 78767-8835.

File # C14-03-0147-WW

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

Name (please print) \_\_\_\_\_

Steve Tlapak

Address \_\_\_\_\_

8905 S. First Street

- ☒ I am in favor  
(Estoy de acuerdo)  
☐ I object  
(No estoy de acuerdo)

## **M E M O R A N D U M**

**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 1<sup>st</sup> 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 Edgemond – “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. Edgemond – “Alice told me at one time that they were working on it”.

Mr. Wittliff – “On the CS-CO property that Ms. Edgemond 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.**