

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-5
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0106.01 - West Congress Neighborhood Plan Rezoning, Tract 2B - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4105-4107 South First Street (West Bouldin Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0106.01

P.C. DATE: September 13, 2005

ADDRESS: 4105 – 4107 South First Street

APPLICANT: City of Austin
(Kathleen Welder)

AGENT: Neighborhood Planning &
Zoning Department
(Wendy Walsh)

ZONING FROM: LO-NP **TO:** CS-MU-NP **AREA:** 0.217 acres
(9,452.52 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services – mixed use – neighborhood plan (CS-MU-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

September 13, 2005: *APPROVED CS-MU-NP DISTRICT ZONING AS STAFF
RECOMMENDED; BY CONSENT.*

[J. M. CORTEZ; D. SULLIVAN – 2ND] (9-0)

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area consists of portions of two platted lots, is developed with an office, and is zoned limited office-neighborhood plan (LO-NP) combining district. The property has access to South First Street, an arterial and Normandy Street, a local street. There is a food sales use to the north (CS-MU-NP), single family residences to the east (SF-3-NP), a service station and single family residences to the south (CS-MU-NP; SF-3-NP) and food sales, a shopping center and fire station to the west (CS-MU-NP; P-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), A-2 (Boundaries of the West Congress Neighborhood Planning Area), A-3 (Future Land Use Map of the West Congress Neighborhood Planning Area) and B (Recorded Plat).

The subject property was inadvertently omitted from the rezonings accompanying the West Congress Neighborhood Planning Area. Similarly situated properties located to the north and south were rezoned to general commercial services – mixed use (CS-MU-NP) district with the Plan and designated as Mixed Use on the Future Land Use Map (FLUM). In addition, CS-MU-NP zoning is consistent with the goal of locating mixed – use development and commercial uses along major commercial corridors, and a corresponding objective of

retaining relatively modest scale development along the commercial corridor of South First Street between Ben White Boulevard and St. Elmo Road in order to allow for a variety of local-serving uses. For these reasons, Staff recommends CS-MU-NP district zoning.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|-------------------|---|
| <i>Site</i> | LO-NP | Office |
| <i>North</i> | CS-MU-NP | Food sales |
| <i>South</i> | CS-MU-NP | Service station |
| <i>East</i> | SF-3-NP | Single family residences |
| <i>West</i> | CS-MU-NP; SF-3-NP | Food sales; Shopping center; Fire station; Single family residences |

NEIGHBORHOOD PLANNING AREA:

TIA: Is not required

South Congress Combined Neighborhood Planning Area
(West Congress)

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association
300 – Terrell Lane Interceptor Association
428 – Barton Springs / Edwards Aquifer Conservation District
511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association
742 – Austin Independent School District
950 – Southwood Neighborhood Organization

SCHOOLS:

St. Elmo Elementary School

Porter Middle School

Travis High School

CASE HISTORIES:

Please refer to Related Cases below.

RELATED CASES:

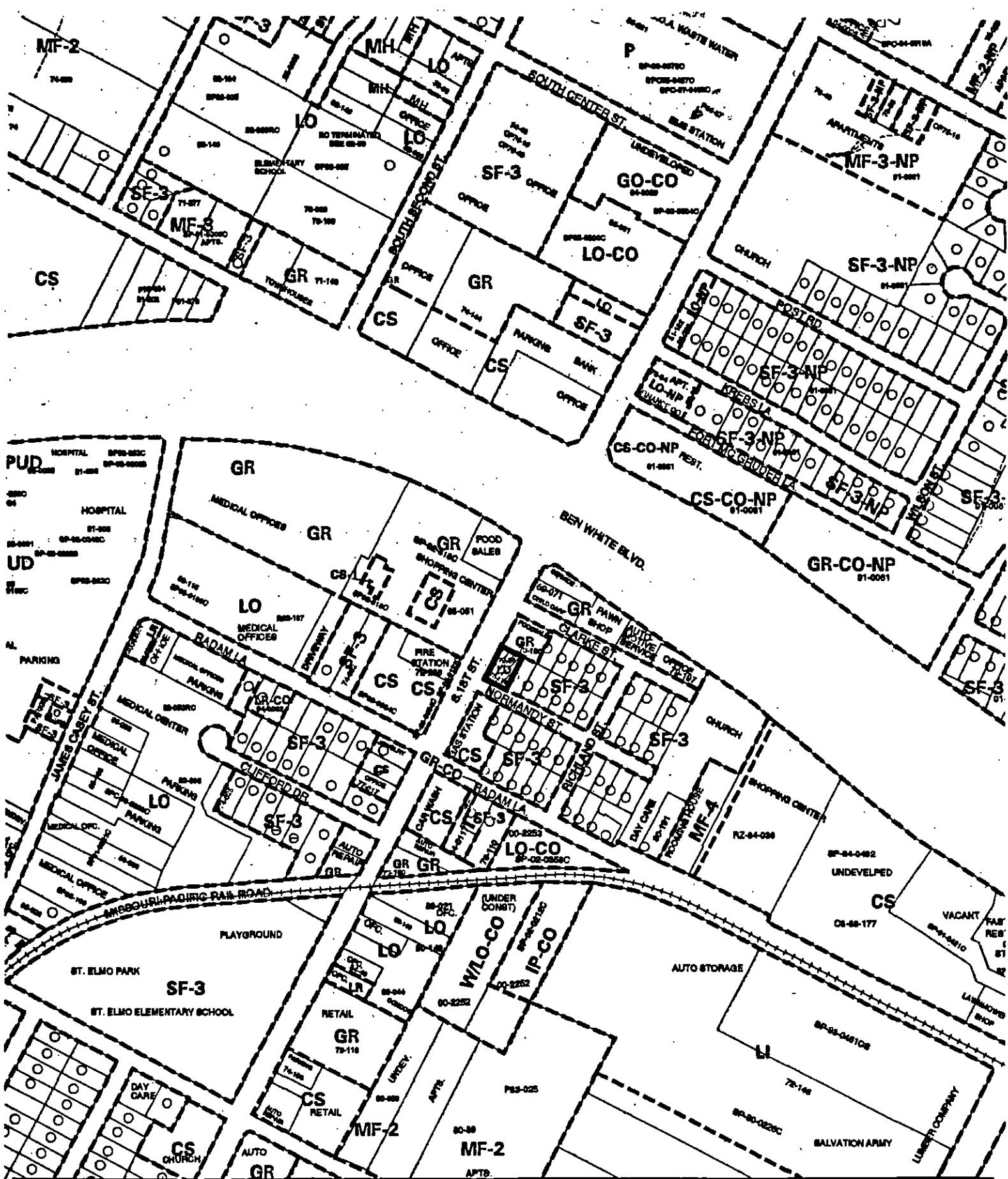
The South Congress Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on August 18, 2005 (C14-05-0106).

As shown in Exhibit B, the rezoning area is platted as portions of Lots 7 and 8, Block C of the Placidena Subdivision, recorded in April 1946.

ABUTTING STREETS:

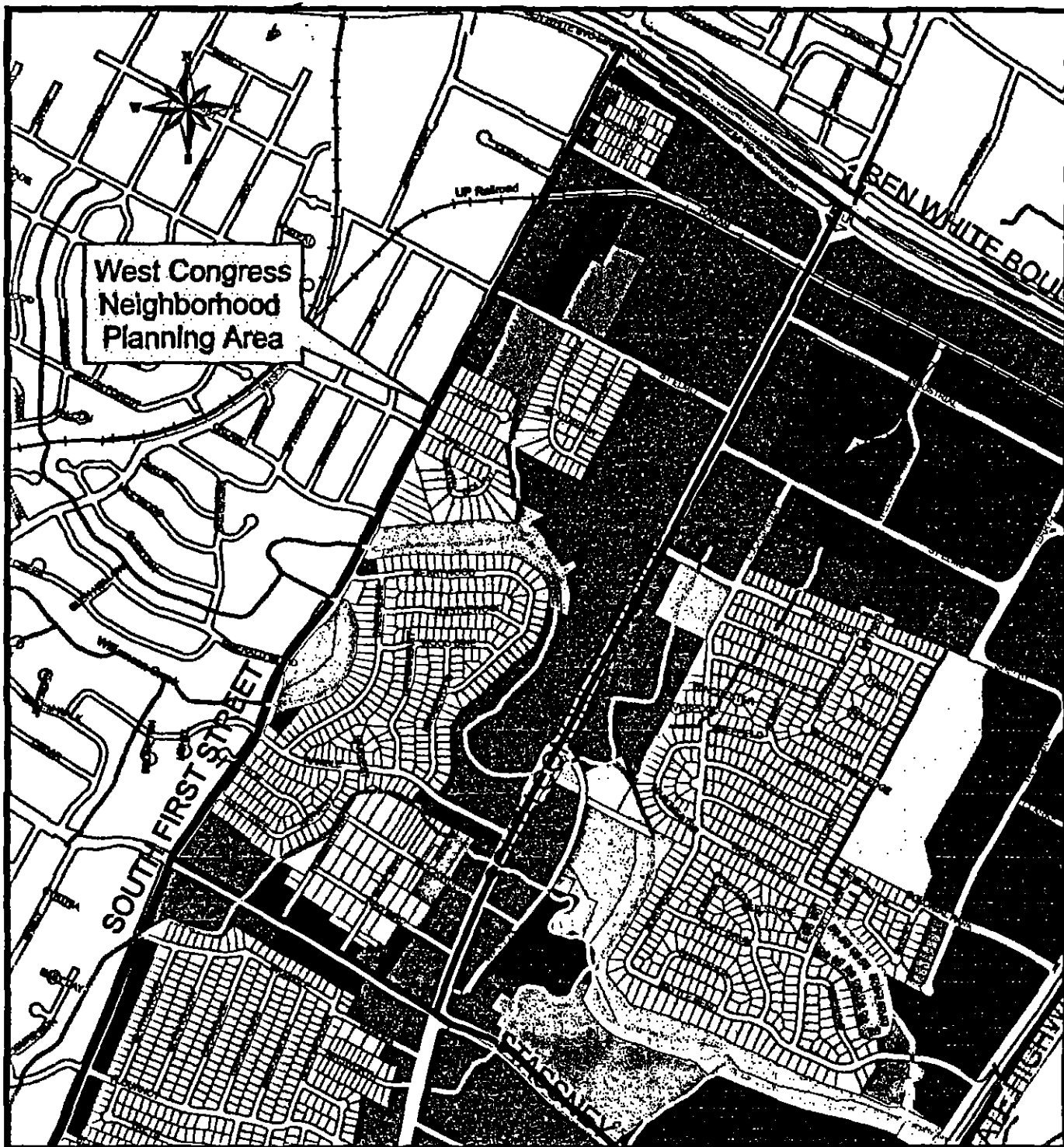
| Name | ROW | Pavement | Classification | Sidewalks | Bus Route | Bike Route |
|--------------------|---------|----------|----------------|-----------|-----------|------------|
| South First Street | 90 feet | Varies | Arterial | Yes | Route #10 | No |
| Normandy | 50 feet | 30' | Local | No | No | No |

CITY COUNCIL DATE: September 29, 2005**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719



| | | | | | |
|---------------|-------------------|----------|---|-------------|---|
| 1" = 400' | SUBJECT TRACT | | ZONING EXHIBIT A | | CITY GRID REFERENCE NUMBER H18 |
| | PENDING CASE | | | | |
| | ZONING BOUNDARY | | CASE #: C14-05-0106.01 | DATE: 05-08 | |
| | CASE MGR: W.WALSH | | ADDRESS: 4105-4107 S.1ST ST. SUBJECT AREA (acres): 0.217 | INTLS: TRC | |





0 1,000 2,000 Feet



West Congress Neighborhood Planning Area: Future Land Use Map

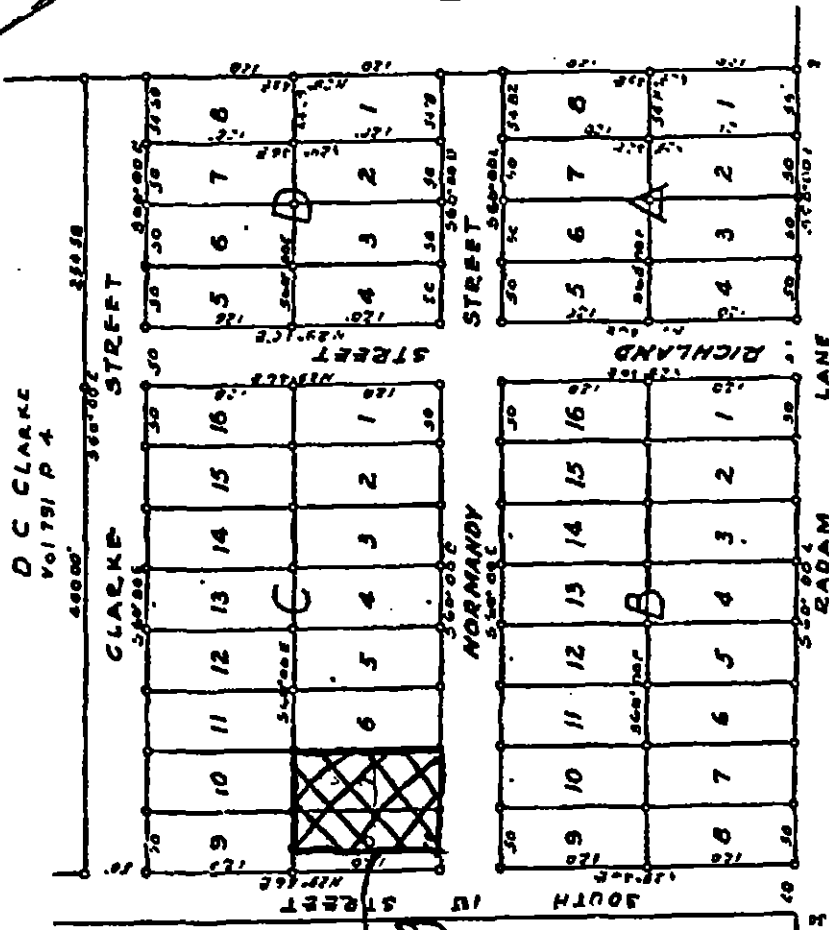
Produced by the City of Austin
Neighborhood Planning and Zoning Department
August 18, 2005

This map has been prepared by the City of Austin, Neighborhood Planning & Zoning Department for the sole purpose of showing neighborhood planning decisions and is not intended for any other use. No warranty is made by the City regarding its accuracy or completeness.

| | |
|----------------------------|---------------------|
| Single-family | Mixed Use/Office |
| High-Density Single Family | Industry |
| Middle Homes | Club |
| Mixed Residential | Open Space |
| Multi-family | GPO Utilities |
| Commercial | UP Railroad |
| Mixed Use | Canals |
| Warehouse/Limited Office | Boundary_line layer |
| Office | |

EXHIBIT A-3

2 The first thing I noticed when I stepped out of the car was the heat. It was a sticky, oppressive heat that seemed to wrap around me like a heavy blanket. I had heard that the weather in the South was terrible, but I didn't realize how intense it would be. The sun was beating down on my face, and I could feel my skin starting to sweat. I took a deep breath, trying to steady myself, but the heat was overwhelming. I looked around, trying to get my bearings, but everything seemed so unfamiliar. The buildings were tall and narrow, with balconies that overlooked the street. The people walking around were dressed in light-colored clothing, and many of them were wearing hats to shield themselves from the sun. I felt a bit lost, but I knew I had to keep going. I followed the crowd, trying to blend in, but I couldn't shake the feeling that I was an outsider. The heat was still there, and it was making it difficult to breathe. I needed to find a way to cool down, but I didn't know where to go. I kept walking, trying to ignore the discomfort, but the heat was getting worse. I could feel my heart racing, and my head was spinning. I needed to stop, but I didn't know where to go. I was lost, and I was alone. The heat was unbearable, and I was starting to feel dizzy. I needed to find a way out of there, but I didn't know how. I was trapped, and I was alone. The heat was too much for me, and I was starting to feel like I was suffocating. I needed to get away from there, but I didn't know where to go. I was lost, and I was alone. The heat was unbearable, and I was starting to feel like I was suffocating. I needed to get away from there, but I didn't know where to go. I was lost, and I was alone.



PLACIDENA

PASSENGER

THE STATE OF TEXAS
COUNTY OF TRAVIS,
City of Austin, Texas, ss. I, the undersigned,
Judge of the County Court, do hereby certify that
20 day of April 1904, was the day when
the said [redacted] was
presented to the court, and that the
day was the same as the date of the
petition for the same. In witness whereof,
I have hereunto set my hand and the seal of
the County Court, at Austin, Texas, this
22 day of April 1904.
J. H. [redacted] Judge of the County Court.
By [redacted] Clerk of the County Court.
[redacted] Seal.

Surveyed By APC/10/10/10 (SEAL)

Low... Use word frequency file

Exhibit B

THE STATE OF TEXAS
COUNTY OF TRAVIS

known all men by these presents, that I, D.C. Clarke, sole owner of the herein described STE. acre tract of land, being a portion of Lots 9, 10 and 11 of New - subdivision at a portion of the Texas Doctor League adjoining the City of Austin, Travis County, Texas, and also being a portion of that certain tract or parcel of land conveyed to me by deed of Edward in Book 791, page 41 of the Deed Records of Travis County Texas, do hereby adopt this map or plat as my subdivision to be known as PLACIDENA, and I do hereby dedicate to the public all street's shown and map or plat as far as my interest may appear.

IN WITNESS WHEREOF I have hereunto set my hand this the 11th day of April..... 1904.

THE STATE OF TEXAS

COUNTY OF TRAVIS] before me, the undersigned authority on this day personally appeared DC Clarke, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

11.5 day of April.....A.O. 1946
 (SEAL) (SEAL)

APPROVED FOR ACCEPTANCE

Date 4/11/66

APPROVED BY CITY PLANNING COMMISSION:

date 4-16-46 ... At. Fungus ... cut 2nd
date 4-18-46 ... Walter ... cut 2nd ... Scouting

FILED FOR RECORD:

MAIL ROOM
 1000 L. N. W. 30. day of April. -- A.D. 1906
 To: Miss Brewster
 1122 Franklin Building
 Clark County Court House Co. Tenn.

THE STATE OF TEXAS}

COUNTY OF TRAVIS) Miss Emilie Lumborg, Clerk of the
County Court within and for the County and State aforesaid,
do hereby certify that the within and foregoing
instrument of Writing with its Certificate of Authentication
has filed for record in my office on the 20... day of
March, A.D. 1946, at 10 o'clock A.M. and duly recorded,
on the 20 day of aforesaid, A.D. 1946, at 10 o'clock A.M.
in the Plat Records of said County in Book No. Page 244.
Witness My Hand and Seal of the County Court of
said County, the date last written above.

(SEAL)

of Charles F. Smith, Deputy
Sheriff, and
Clark County Court, Fresno Co., Cal.

2 H 826

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services – mixed use – neighborhood plan (CS-MU-NP) combining district zoning.

BACKGROUND

The subject rezoning area consists of portions of two platted lots, is developed with an office, and is zoned limited office-neighborhood plan (LO-NP) combining district. The property has access to South First Street, an arterial and Normandy Street, a local street. There is a food sales use to the north (CS-MU-NP), single family residences to the east (SF-3-NP), a service station and single family residences to the south (CS-MU-NP; SF-3-NP) and food sales, a shopping center and fire station to the west (CS-MU-NP; P-NP).

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BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities. The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

This property accesses South First Street, an arterial roadway, and Normandy Street.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

The Staff's basis for recommendation is derived from rezonings approved for similarly situated properties to the north and south, and the goals and objectives for land use as described in the South Congress Combined Neighborhood Plan:

GOAL THREE

Focus mixed-use development and commercial uses along major commercial corridors and in specialized districts.

Objective 3.9

The commercial corridor along South 1st Street between Ben White Boulevard and St. Elmo Road should retain its relatively modest scale and allow for a variety of local-serving uses.

EXISTING CONDITIONS**Site Characteristics**

The subject property is developed with an office. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS-MU-NP zoning district would be 95% which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

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

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

Transportation

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract by tract basis for any proposed land uses as would typically be provided.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

Water and Wastewater

The area is currently served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the applicable and associated City fees.

Compatibility Standards

Any new development on the site is subject to compatibility standards. Along the east property line, 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.