

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



**AGENDA ITEM NO.: Z-2
AGENDA DATE: Thu 11/03/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0106.03 - West Congress Neighborhood Plan Rezoning, Tract 23c - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5402 South Congress Avenue (Williamson Creek Watershed) from single-family residence-standard lot - neighborhood plan (SF-2-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

REQUESTING	Neighborhood Planning	DIRECTOR'S
DEPARTMENT:	and Zoning	AUTHORIZATION: <u>Greg Guernsey</u>

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0106.03

P.C. DATE: October 11, 2005

ADDRESS: 5402 S

APPLICANT: (K)

10284

AGENT: Neighborhood Planning &
Zoning Department
(Wendy Walsh)

ZONING FROM:

- MU-CO-NP

AREA: 0.604 acres
(23,310.24 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) combining district zoning. The Conditional Overlay 1) prohibits automobile sales; automobile washing (of any type) and pawn shop services and 2) requires a 30 foot wide vegetative buffer along the west property line.

PLANNING COMMISSION RECOMMENDATION:

October 11, 2005: *APPROVED CS-MU-CO-NP DISTRICT ZONING, AS STAFF RECOMMENDED.*

[J. REDDY; M. MOORE – 2ND] (9-0)

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a portion of one platted lot, is developed with multi-family residences, and is zoned single family residence-neighborhood plan (SF-2-NP) combining district for the west 15 feet and general commercial services-neighborhood plan (CS-NP) for the remainder of the property. The property takes access to South Congress Avenue through the adjacent multi-family residential development to the east (CS-MU-NP), and also has frontage on East Mockingbird Lane, although access is presently blocked by a fence. There are single family residences and undeveloped land to the north (SF-2-NP; CS-MU-NP), single family residences and automobile sales to the south (SF-3-NP; CS-MU-NP), and condominiums and single family residences to the west (SF-6-NP; SF-4A-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 recommended for rezoning 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).

The Staff recommends a CS-MU-CO-NP with the Conditional Overlay prohibiting three of the more intensive commercial uses that are already well-represented along South Congress Avenue, being automobile sales, automobile washing (of any type) and pawn shop services, and requiring a 30-foot wide vegetative buffer along the west property line. As proposed, CS-MU-CO-NP zoning provides greater compatibility with the adjacent condominiums and nearby single family residences, and is consistent with the goal of providing opportunities for South Congress Avenue to become a more vibrant accessible mixed-use corridor and a corresponding objective of providing compatible commercial and mixed-use development where adjacent to neighborhoods. For these reasons, Staff recommends CS-MU-CO-NP district zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP; CS-NP	Multi-family
<i>North</i>	SF-2-NP; CS-MU-NP	Single family residences; Undeveloped land; Office / warehouse park
<i>South</i>	SF-2-NP; CS-MU-NP	Single family residences; Automobile sales
<i>East</i>	CS-MU-NP	Medical office; Tailor; Hair salon; Automobile sales; Church; Automobile repair services
<i>West</i>	SF-6-NP; SF-4A-NP	Condominiums; Single family residences

NEIGHBORHOOD PLANNING AREA:

South Congress Combined Neighborhood Planning Area
(West Congress)

TIA: Is not required

WATERSHED: Williamson Creek

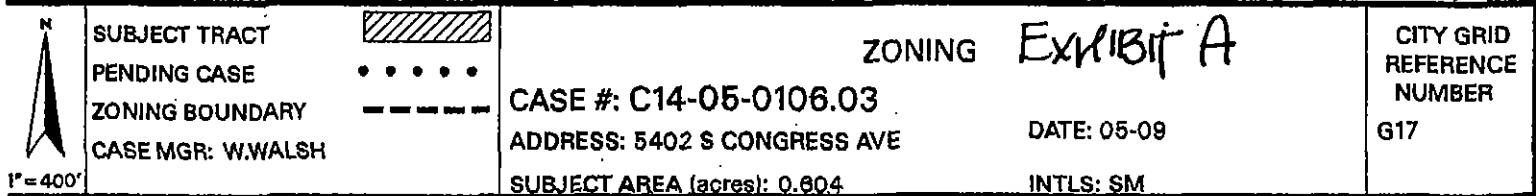
DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

9 – Battle Bend Springs Association
 26 – Far South Austin Community Association
 96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 170 – Fairview Estates Neighborhood Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association

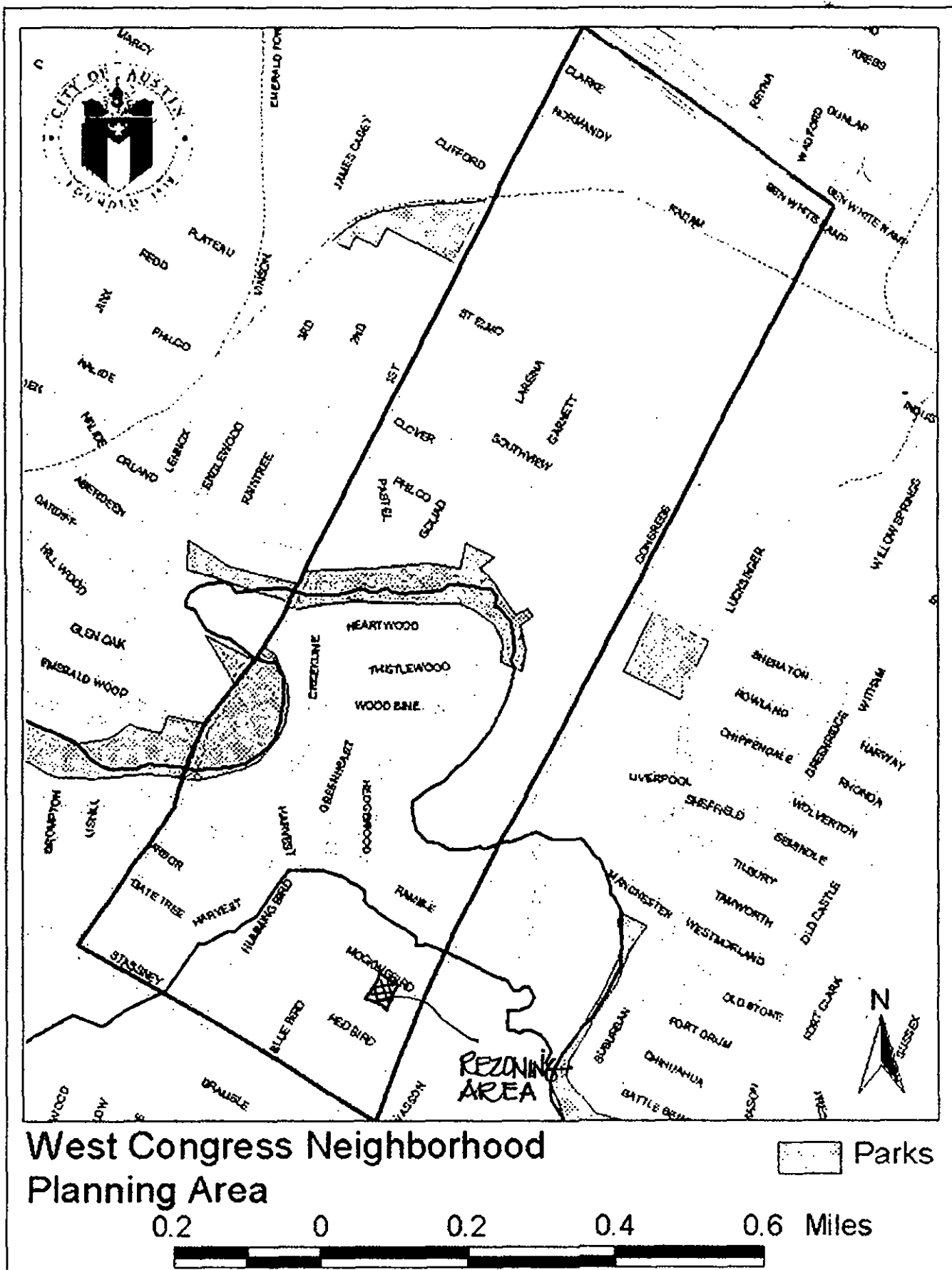


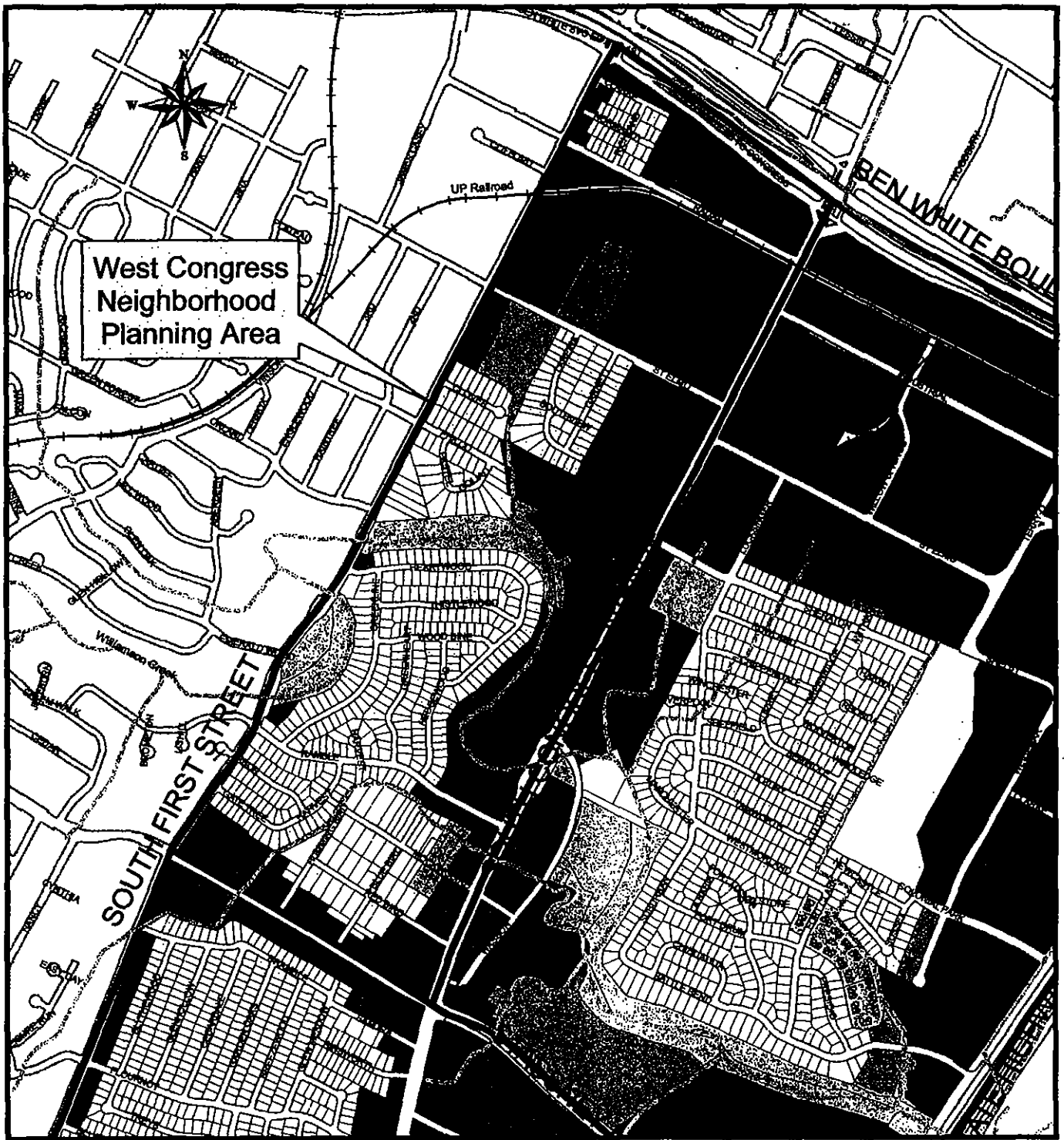
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23

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LO-CO





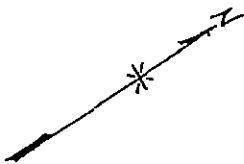
West Congress Neighborhood Planning Area: Future Land Use Map

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

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

Single-family	Mixed Use/Office
Higher-Density Single Family	Industry
Mobile Homes	Civic
Mixed Residential	Open Space
Multi-family	870 Utilities
Commercial	UP Railroad
Mixed Use	Creeks
Warehouse/Limited Office	boundary_500 layer
Office	

EXHIBIT A-3



Herbert Stacy

Notary Seal

J. Mathew
CITY ENGINEER AUSTIN TEXAS

W. F. Hughes
Gillespie Stacy
J. M. Ramsey

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) combining district zoning. The Conditional Overlay 1) prohibits automobile sales; automobile washing (of any type) and pawn shop services and 2) requires a 30 foot wide natural vegetative buffer along the west property line.

BACKGROUND

The subject rezoning area consists of a portion of one platted lot, is developed with multi-family residences, and is zoned single family residence-neighborhood plan (SF-2-NP) combining district for the west 15 feet and general commercial services-neighborhood plan (CS-NP) for the remainder of the property. The property takes access to South Congress Avenue through the adjacent multi-family residential development to the east (CS-MU-NP), and also has frontage on East Mockingbird Lane, although access is presently blocked by a fence. There are single family residences and undeveloped land to the north (SF-2-NP; CS-MU-NP), single family residences and automobile sales to the south (SF-3-NP; CS-MU-NP), and condominiums and single family residences to the west (SF-6-NP; SF-4A-NP).

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 recommended for rezoning 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).

The Staff recommends a CS-MU-CO-NP with the Conditional Overlay prohibiting three of the more intensive commercial uses that are already well-represented along South Congress Avenue, being automobile sales, automobile washing (of any type) and pawn shop services, and requiring a 30-foot wide vegetative buffer along the west property line. As proposed, CS-MU-CO-NP zoning provides greater compatibility with the adjacent condominiums and nearby single family residences, and is consistent with the goal of providing opportunities for South Congress Avenue to become a more vibrant accessible mixed-use corridor and a corresponding objective of providing compatible commercial and mixed-use development where adjacent to neighborhoods. For these reasons, Staff recommends CS-MU-CO-NP district zoning.

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 Congress Avenue, an arterial roadway, and East Mockingbird Lane.

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 that take their access to South Congress Avenue, and the goals and objectives for land use as described in the South Congress Combined Neighborhood Plan:

GOAL TWO

South Congress Avenue should become a more vibrant accessible mixed-use corridor and a destination for nearby residents and the citizens of Austin.

Objective 2.3

Commercial and mixed-use development along South Congress Avenue should not adversely affect adjacent neighborhoods.

EXISTING CONDITIONS

Site Characteristics

The subject property is developed with multi-family residences. 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-CO-NP zoning district would be 80% which is based on the more restrictive zoning 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 Williamson 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.

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 adjustments, or utility relocation are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design

criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Compatibility Standards

The site is subject to compatibility standards. Along the west and south 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 50 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.

MEETING SUMMARY

CITY PLANNING COMMISSION

October 11, 2005

City Hall – Council Chambers

301 W. 2nd Street

1st Floor

CALL TO ORDER – 6:00 P.M. COMMENCE 6:10PM; ADJOURN 8:05PM

ALL PRESENT

_____ John-Michael Cortez – Secretary

_____ Jay Reddy – Assistant Secretary

_____ Mandy Dealey – Parliamentarian

_____ Chris Riley - Chair

_____ Cid Galindo

_____ Gary Stegeman

_____ Keith L. Jackson

_____ Dave Sullivan – Vice Chair

_____ Mathew Moore

PUBLIC HEARING

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

NO SESSION

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

Susana Almanza said there are disproportionate property tax foreclosures in east Austin, in a predominately low income area. She requested a 90 day moratorium of condo projects in the East Cesar Chavez Neighborhood Plan Area to allow time to study the issues of what's happening in east Austin. She requested the Planning Commission to consider the Human Rights Commission's recommendations.

Commissioner Moore asked Ms. Almanza's proposal from the Push Up Foundation. She said she does not support that because it's a hard situation because of the presence of drug dealers. She said it can lower property values, but can be devastating to the community.

Daniel Llanes spoke in general about the neighborhood planning process. He said that there is no system for neighborhood planning these days. The Riverside process is very different from the Govalle neighborhood process. He said that for Riverside, staff proposed a plan in addition to a neighborhood plan. He said staff should not propose a plan, they should support the

Facilitator: Katie Larsen, 974-6413

katie.larsen@ci.austin.tx.us

- 13. Rezoning:** **C14-05-0012 - 1201 Baylor**
 Location: 1201 Baylor Street, Shoal Creek Watershed, Old West Austin NPA
 Owner/Applicant: Chris Pellegrino
 Agent: Chris Pellegrino
 Request: **MF-4-NP to LO-NP Staff requests a postponement**
 Staff Rec.: **RECOMMENDATION PENDING**
 Staff: Jorge E. Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

MOTION: POSTPONE TO DECEMBER 13, 2005 BY CONSENT (REQUESTED BY STAFF)

VOTE: 9-0 (JR-1st, DS-2nd)

- 14. Rezoning:** **C14-05-0013 - 1203 Baylor**
 Location: 1203 Baylor Street, Shoal Creek Watershed, Old West Austin NPA
 Owner/Applicant: Tanisa Bernard
 Agent: Tanisa Bernard
 Request: **MF-4-NP to LO-NP Staff requests a postponement**
 Staff Rec.: **RECOMMENDATION PENDING**
 Staff: Jorge E. Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

MOTION: POSTPONE TO DECEMBER 13, 2005 BY CONSENT (REQUESTED BY STAFF)

VOTE: 9-0 (JR-1st, DS-2nd)

- 15. Rezoning:** **C14-05-0106.03 - West Congress Neighborhood Plan Rezoning, Tract 23c**
 Location: 5402 South Congress Avenue, Williamson Creek Watershed, South Congress Combined Neighborhood Planning Area (West Congress) NPA
 Owner/Applicant: City of Austin (Kathleen Welder)
 Agent: Neighborhood Planning & Zoning Department (Wendy Walsh)
 Request: **CS-NP; SF-2-NP to CS-MU-CO-NP**
 Staff Rec.: **RECOMMENDED.**
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

Wendy Walsh presented the staff recommendation.

30 foot buffer part of 25 foot setback. Its just an additional five feet.

PUBLIC HEARING

FOR

Facilitator: Katie Larsen 974-6413; katie.larsen@ci.austin.tx.us
 City Attorney: Sharon Smith, 974-7773; or Marty Terry, 974-2974.

James Chang, the property owner, said that he heard concern from neighborhood about traffic and access through to Mockingbird Lane. Currently the front tract has frontage on South Congress. He currently owns both the front and back tract, but in the future, there is no guarantee that he will own both tracts, thereby preventing access to the back tract. Since the back tract is away from South Congress, the tract will most likely not develop into a high traffic business.

Commissioner Sullivan said the issue is commercial access to Mockingbird, so he asked Mr. Chan if he can or would consider residential access to Mockingbird. Mr. Chan said he had thought a small shop or office would go on the site and did not know if feasible to put condo project on .

AGAINST

Mary Rocamora resident on Mockingbird Lane, said she just learned tonight that the old motel is on two lots and not one. She suggested an easement be established to allow the back lot to access through the front lot. She said that people avoid South Congress and Slaughter and cut through the neighborhood. She lives on 300 block of Mockingbird. She has concerns about traffic on the residential street.

REBUTTAL

Declined by Mr. Chang.

Kathleen Welder, NPZ staff, said that nearby properties were rezoned to CS-MU and access to Mockingbird is not restricted. She said that this case is before the Commission due to a notification error. Commissioner Sullivan confirmed that access from the back lot can be provided to Mockingbird currently.

MOTION: CLOSE PUBLIC HEARING

VOTE: 9-0 (JR-1st, DS-2nd)

MOTION: APPROVE STAFF RECOMMENDATION

VOTE: 9-0 (JR-1st, MM-2nd)

Commissioner Reddy said recommendation consistent with the land use map.

Commissioner Sullivan said that the practice throughout the city for years has been to allow access from commercial properties to residential streets.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED IN THE WEST CONGRESS NEIGHBORHOOD PLAN AREA AT 5402 SOUTH CONGRESS AVENUE FROM SINGLE FAMILY RESIDENCE STANDARD LOT-NEIGHBORHOOD PLAN (SF-2-NP) COMBINING DISTRICT AND GENERAL COMMERCIAL SERVICES-NEIGHBORHOOD PLAN (CS-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot neighborhood plan (SF-2-NP) combining district and general commercial services neighborhood plan (CS-NP) combining district to general commercial services-mixed use conditional overlay neighborhood plan (CS-MU-CO-NP) combining district on the property described in Zoning Case No. C14-05-0106.03, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 18 (save and except the north five feet adjacent to the Mockingbird Lane West right-of-way), Block 5, Pleasant Hill Addition, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 4, Page 7, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 5402 South Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. Except as specifically provided in Part 3 and Part 4, the Property may be developed and used in accordance with the regulations established for the neighborhood general commercial services (CS) base district and other applicable requirements of the City Code.

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

1. A 30-foot wide vegetative buffer shall be provided and maintained along the west property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
2. The following uses are prohibited uses of the Property:

Automotive sales
Pawn shop services

Automotive washing (of any type)

PART 4. The Property is subject to Ordinance No. 20050818-Z003 that established the West Congress neighborhood plan combining district

PART 5. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005 §
 §
 §

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Brown
City Attorney City Clerk



1" = 400'

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: WWALSH



CASE #: C14-05-0106.03
ADDRESS: 5402 S CONGRESS AVE
SUBJECT AREA (acres): 0.604

ZONING EXHIBIT A

DATE: 05-09

INTLS: SM

CITY GRID
REFERENCE
NUMBER

G17