

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



**AGENDA ITEM NO.: Z-14  
AGENDA DATE: Thu 01/26/2006  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0122 - 7<sup>th</sup> & Gunter - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 704 Gunter Street (Boggy Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-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 commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant and Agent: Teresa Saldana. City Staff: Robert Heil, 974-2330. Note: A valid petition has been filed in opposition to this rezoning request.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey



## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0122

**PC Date:** September 13, 2005

October 11, 2005

October 25, 2005

November 8, 2005

**ADDRESS:** 704 Gunter Street.

**OWNER/APPLICANT:** Teresa Saldaña **AGENT:** Teresa Saldaña

**ZONING FROM:** CS-CO-NP

**TO:** CS-MU-CO-NP

**AREA:** 0.326 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan (CS-MU-CO-NP) combining district.

Staff supports the continuation of the existing conditional overlay as listed below.

The existing conditional overlay prohibits the following uses:

- Adult-oriented business
- Kennels
- Residential treatment
- Campground
- Pawn shop services
- Vehicle storage

The existing conditional overlay makes the following uses conditional:

- Agricultural sales and services
- Limited warehousing and distribution
- Laundry services
- Equipment repair services
- Construction sales and services
- Building maintenance services
- Equipment sales

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**September 13, 2005:** Postponed to October 11, 2005 at request of staff.

**October 11, 2005:** Postponed to October 25, 2005 at the request of the neighborhood.

**October 25, 2005:** Postponed to November 8, 2005 at the request of the adjacent property owner.



**November 8, 2005:** Recommended CS-MU-CO-NP. (6-2), and recommended that the applicant pursue a private restrictive covenant with the adjacent property owner to address concerns of compatibility.

**DEPARTMENT COMMENTS:**

The request is from General Commercial Services-Conditional Overlay-Neighborhood Plan (CS-CO-NP) combining district General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan (CS-MU-CO-NP) combining district. Staff supports the request.

The property lies within the Govalle/Johnston Terrace Combined Neighborhood Planning Area, and requires a plan amendment from Commercial to Mixed Use land use. Case NPA-05-0016.01 concerns the associated neighborhood plan amendment.

If the site were built out with single family uses, including duplexes, which would be allowed under the mixed use overlay, compatibility standards would apply to commercial development on the property to the south, constraining the ability of that site to be developed.

A private restrictive covenant is being negotiated between parties to address outstanding issues. A petition has also been filed against this case, which has been validated. However, since it was validated, some property owners have removed their names from the petition. The current validity of the petition is being re-examined.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-CO-NP	Undeveloped
<i>North</i>	LR-MU-CO-NP	Vacant
<i>South</i>	CS-CO-NP	Used Auto Sales
<i>East</i>	CS-CO-NP	Used Auto Sales
<i>West</i>	GO-NP	Vacant

**AREA STUDY:** The property lies within the Govalle/Johnston Terrace Combined Neighborhood Planning Area, and requires a plan amendment from Commercial to Mixed Use land use. Case NPA-05-0016.01 concerns the related neighborhood plan amendment.

**TIA:** N/A

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No



**REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

- Terrell Lane Interceptor Assn.
- Austin Neighborhoods Council
- Govalle/Johnston Terrace Planning Team of Neigh. Orgs.
- Austin Independent School District
- Sentral Plus East Austin Koalition (SPEAK)
- PODER People Organized in Defense of Earth & Her Resources

**SCHOOLS: (AISD)**

Allen Elementary School      Martin Middle School      Johnston High School

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
7 <sup>th</sup> Street	120'	50'	Arterial
Gunter Street	50'	30'	Local

- Capital Metro bus service is available along 7th Street.
- 7th Street is classified in the Bicycle Plan as a Priority 1 bike route.
- There are existing sidewalks along 7th Street.

**CITY COUNCIL DATE: ACTION**

December 15, 2005      Postponed to 1/26/06

January 26, 2005

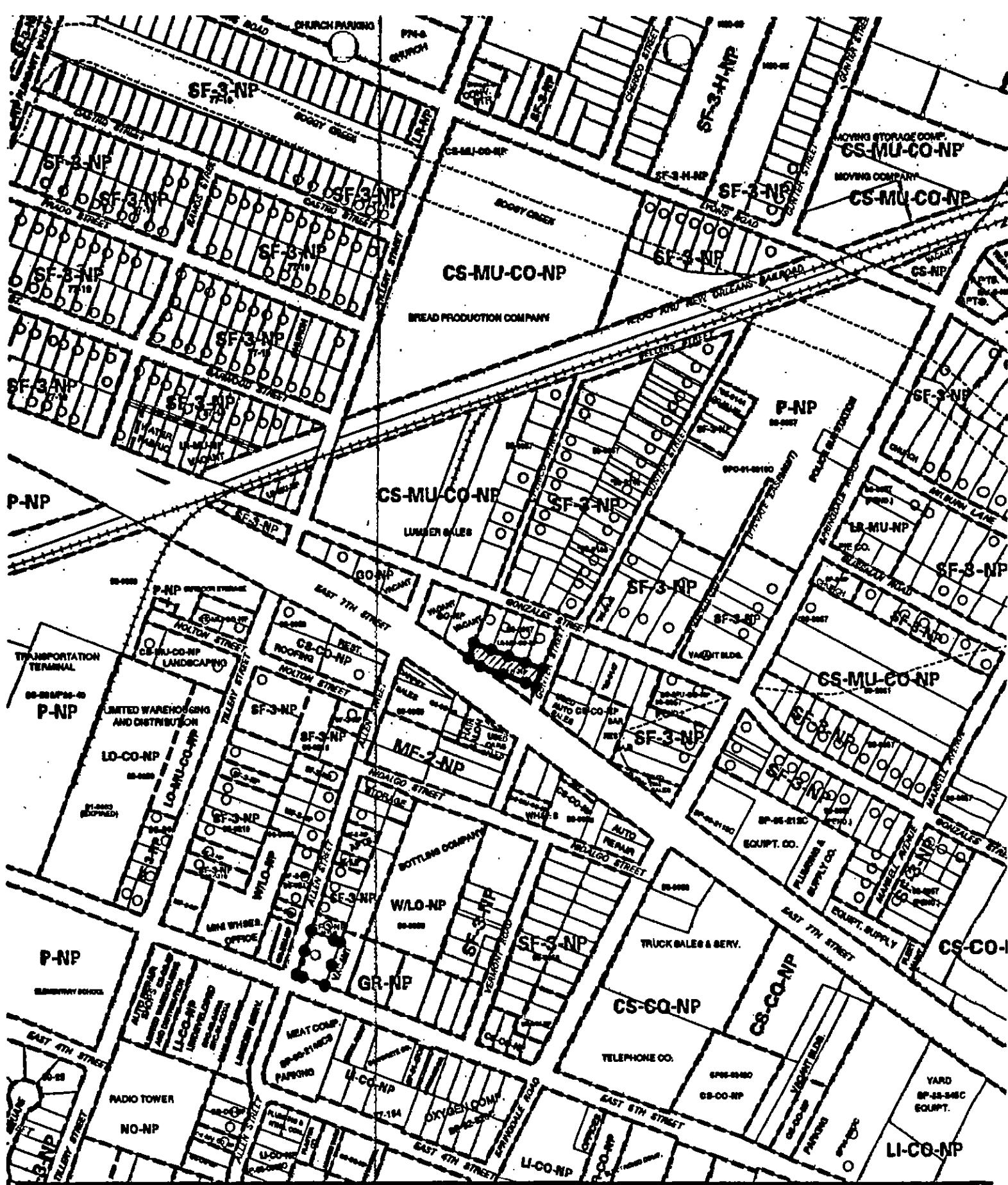
**ORDINANCE READINGS:**      1<sup>st</sup>      2<sup>nd</sup>      3<sup>rd</sup>





**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

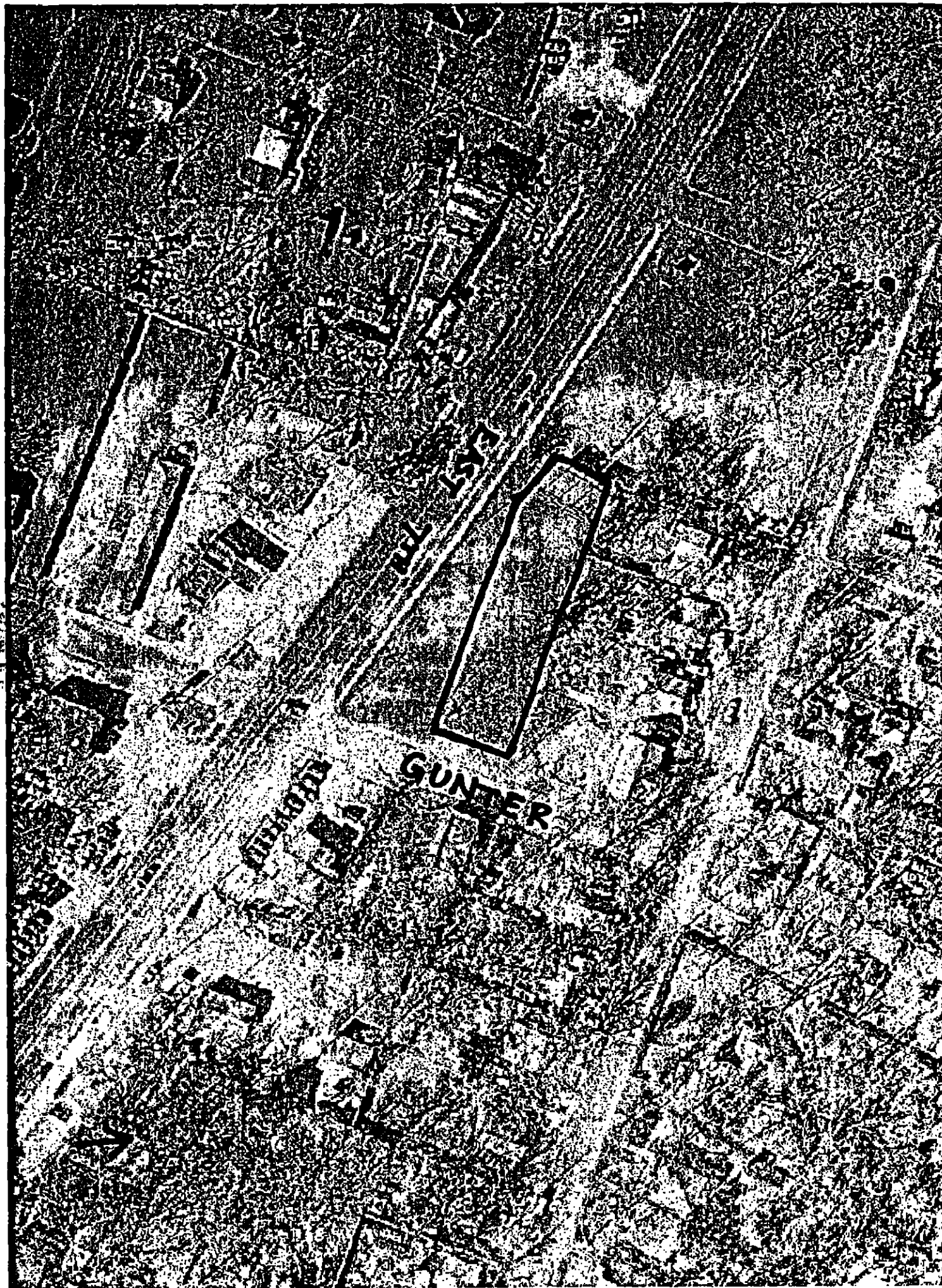
**PHONE:** 974-2330





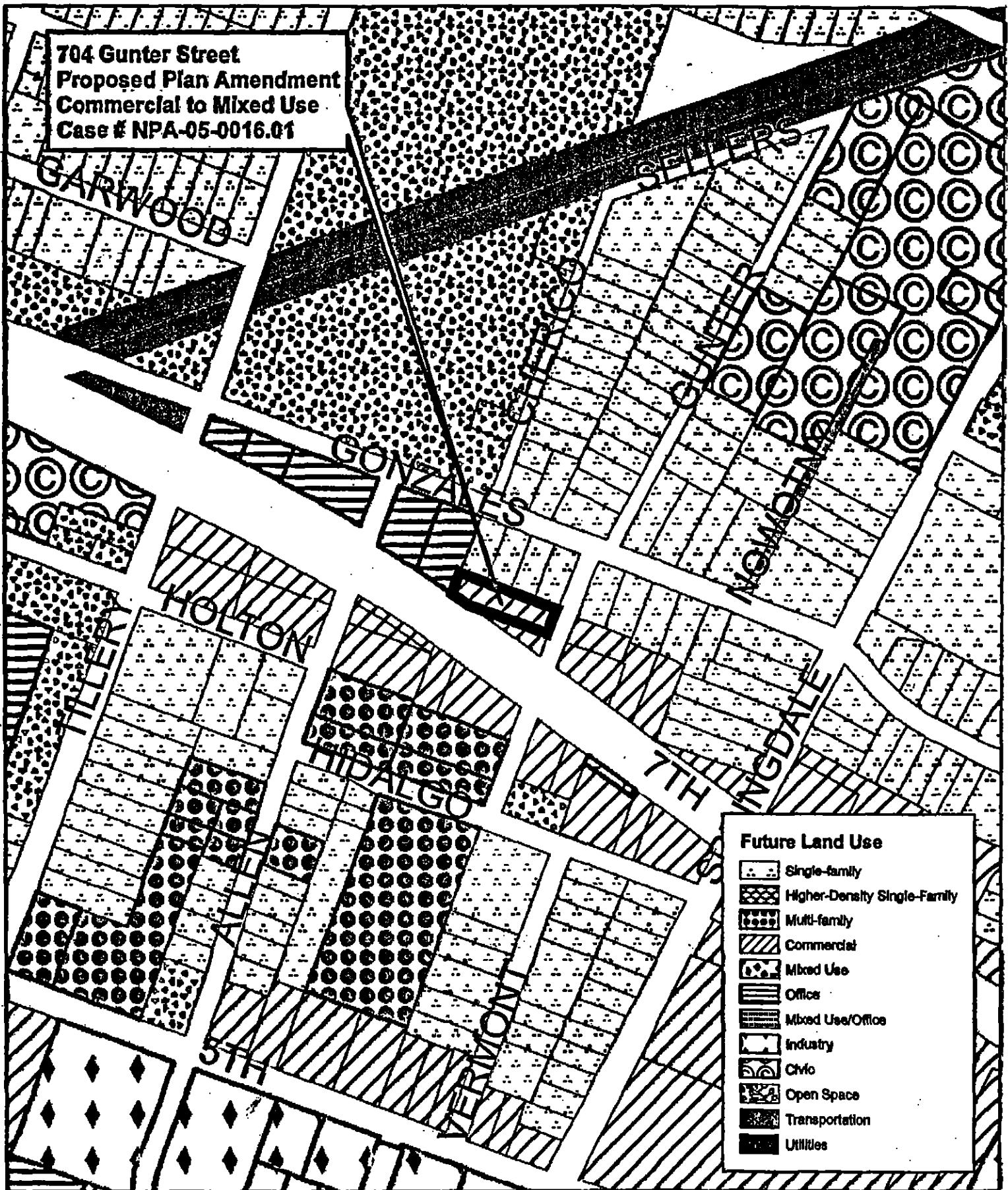
 1" = 400' SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: A. SMITH	  	<b>NEIGHBORHOOD PLAN AMENDMENT</b>		CITY GRID REFERENCE NUMBER <b>L21</b>
	<b>CASE #: NPA-05-0016.01</b>			
	<b>ADDRESS: 3304 E 8TH ST</b>			
	<b>SUBJECT AREA (acres): 0.326</b>			
			<b>DATE: 08-07</b>	
			<b>INTLS: SM</b>	







**704 Gunter Street  
Proposed Plan Amendment  
Commercial to Mixed Use  
Case # NPA-05-0016.01**



**Future Land Use**

- Single-family
- Higher-Density Single-Family
- Multi-family
- Commercial
- Mixed Use
- Office
- Mixed Use/Office
- Industry
- Civic
- Open Space
- Transportation
- Utilities

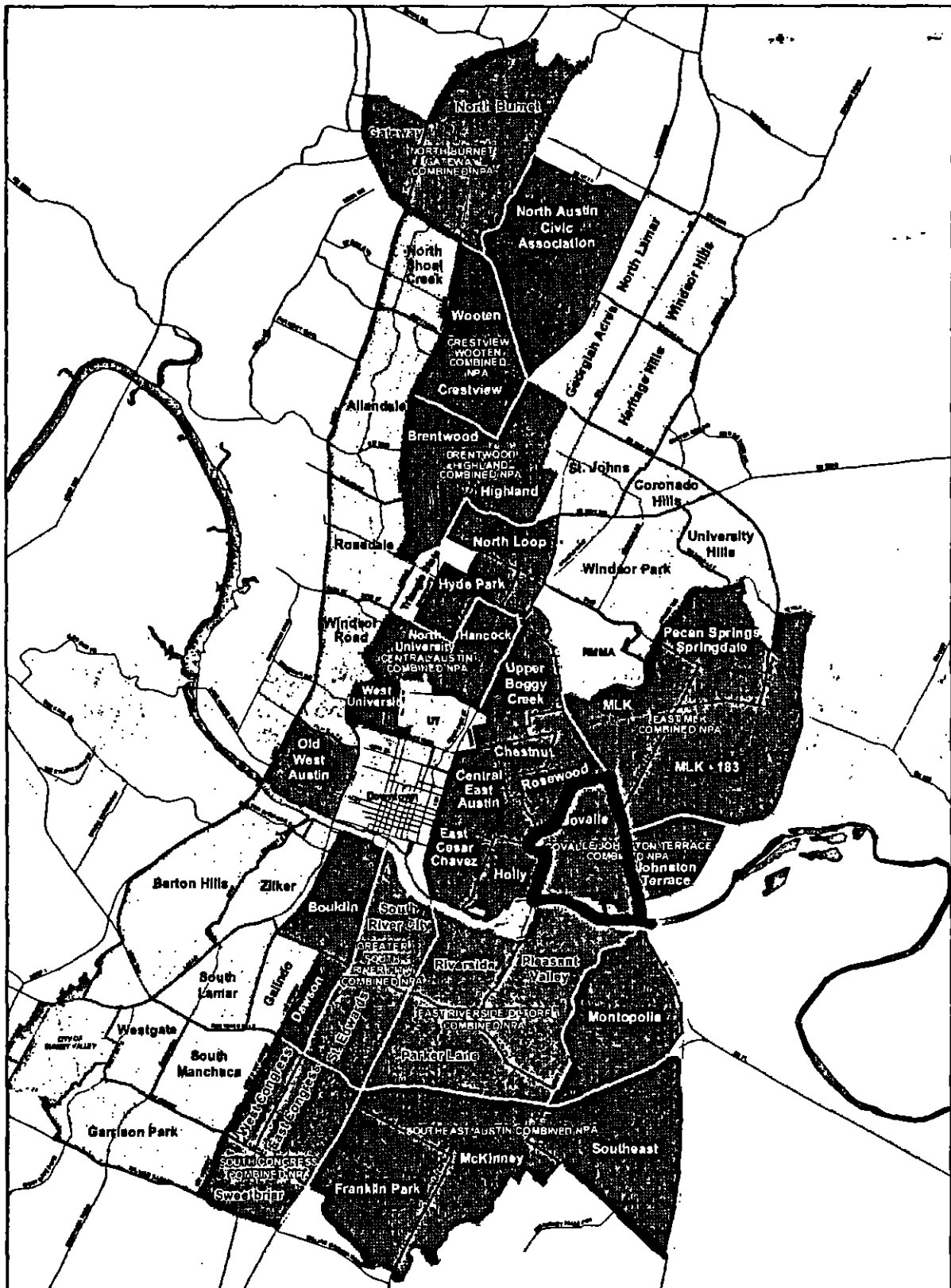


**Govalle/Johnston Terrace  
Combined Neighborhood Plan  
Neighborhood Plan Amendment  
Case# NPA-05-0016.01**

**Created by NPZD  
10/5/2005**







# City of Austin Neighborhood Planning Areas



Produced by City of Austin  
Neighborhood Planning & Zoning Department  
August 10, 2009

Combined Neighborhood Planning Area

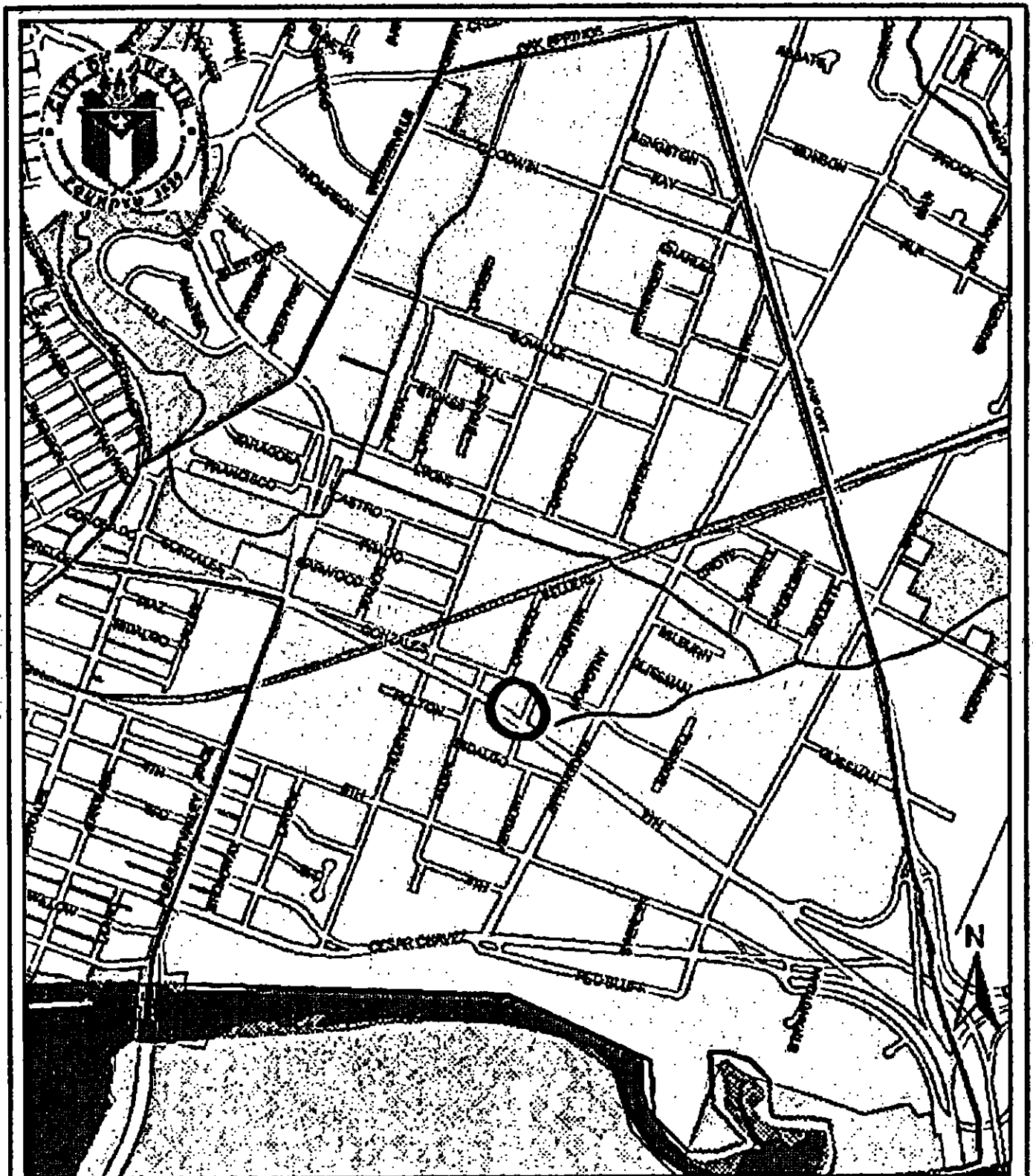
## Neighborhood Plan Status

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

0 100 200 300 400 500 Feet

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





# Govalle Neighborhood Planning Area

 Parks

0.3 0 0.3 0.6 Miles



**SUMMARY STAFF RECOMMENDATION**

**C14-05-0122**

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**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The addition of a mixed-use overlay would allow for the possibility of a more neighborhood supporting mix of residences and services.

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

The mixed-use overlay is designed to allow a flexibility of land uses, and permit development of residential – non-residential projects.

**EXISTING CONDITIONS**

This undeveloped tract, approximately 1/3 of an acre in size lies at the intersection of Gunter and E. 7<sup>th</sup> streets. During the neighborhood planning process in 2003, it was rezoned from Limited Industrial (LI) to CS-CO-NP Commercial Services-Conditional Overlay-Neighborhood Plan.



### **Transportation**

No additional right-of-way is needed at this time. Additional right-of-way may be required as the site is developed.

The trip generation under the requested zoning is estimated to be 1,910 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Capital Metro bus service is available along 7th Street.

7th Street is classified in the Bicycle Plan as a Priority 1 bike route.

There are existing sidewalks along 7th Street.

#### **Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION
7 <sup>th</sup> Street	120'	50'	Arterial
Gunter Street	50'	30'	Local

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.



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

### **Water and Wastewater**

The site 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, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

### **Site Plan**

This tract is undeveloped. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-3-NP zoned property to the north, south, west and east, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the north, south, east and west 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.