

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



**AGENDA ITEM NO.: Z-6
AGENDA DATE: Thu 02/02/2006
PAGE: 1 of 1**

SUBJECT: NPA-05-0013.01 - 2008-A South First Street - Conduct a public hearing and approve an ordinance amending Ordinance 020523-32 (Bouldin Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan, to change the future land use map from single family use designation to mixed use designation for the property located at 2008-A South First Street (East Bouldin Creek Watershed). Planning Commission Recommendation: To grant mixed use designation. Applicant and Agent: Jose Luis Versalles. City Staff: Mark Walters, 974-7695.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

**NEIGHBORHOOD PLAN AMENDMENT AND
ZONING CHANGE REVIEW SHEET**

CASES: NPA-05-0013.01 & C14-05-0152

PC Date: October 11, 2005
October 25, 2005

ADDRESS: 2008-A South First Street

OWNER/APPLICANT: Jose Luis Versalles

AGENT: Jose Luis Versalles

FUTURE LAND USE MAP CHANGE FROM: Single Family **TO:** Mixed Use

ZONING FROM: SF-3-NP

TO: GR-MU-NP

AREA: 0.131 acres

STAFF RECOMMENDATION:

Staff recommends denial of both the request to amend the neighborhood plan and the request to rezone.

PLANNING COMMISSION RECOMMENDATION:

October 11, 2005: Postponed to 10/25 at the request of staff.

October 25, 2005: Recommended to amend the future land use map to mixed-use and recommended LR-MU-NP zoning **Vote: 5-3 (Cortez, Sullivan & Galindo – Nay)**

DEPARTMENT COMMENTS:

The requested zoning change is not consistent with the adopted Bouldin Creek Neighborhood Plan. The Bouldin Creek Neighborhood Planning Team met to consider the request for plan amendment and do not support the request.

There is a reasonably clear line of demarcation between the commercial uses along South First and the residential interior of the neighborhood. Rezoning this property to GR would represent an intrusion of commercial zoning and land use into the residential core.

Although zoned SF-3-NP the site is currently being used as an extension of an existing auto repair use along South First, which is zoned CS-CO-MU-NP. The site accesses the alley between West Live Oak and West Johanna Streets.

With the exception of the auto repair shop to the east, the surrounding properties are single family residential lots, mostly built out with existing single family homes.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Auto Repair
<i>North</i>	SF-3-NP	Single Family Homes
<i>South</i>	SF-3-NP	Single Family Homes
<i>East</i>	CS-MU-CO-NP	Auto Repair
<i>West</i>	SF-3-NP	Single Family Homes

AREA STUDY: The property lies within the Bouldin Creek Neighborhood Planning Area, adopted in May 23, 2002.

TIA: N/A

WATERSHED: Decker Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Bouldin Creek Neighborhood Assn.
- Terrell Lane Interceptor Assn.
- Barton Springs/ Edwards Aquifer Conservation Dist.
- South Central Coalition
- Austin Neighborhoods Council
- Bouldin Creek Neighborhood Planning Team Liaison - COA
- Austin Independent School District
- Bouldin Forward Thinking

SCHOOLS: (AISD)

Becker Elementary School Fulmore Middle School Travis High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification
South First Street	60'	44'	Major Arterial

- Capital Metro bus service is available along S. First Street via Route #10.
- There are existing sidewalks along S. First Street.
- South First Street is not classified in the Bicycle Plan.

CITY COUNCIL DATE: 02/02/02

ACTION:

C14-05-0152

ORDINANCE READINGS:

1st

2nd

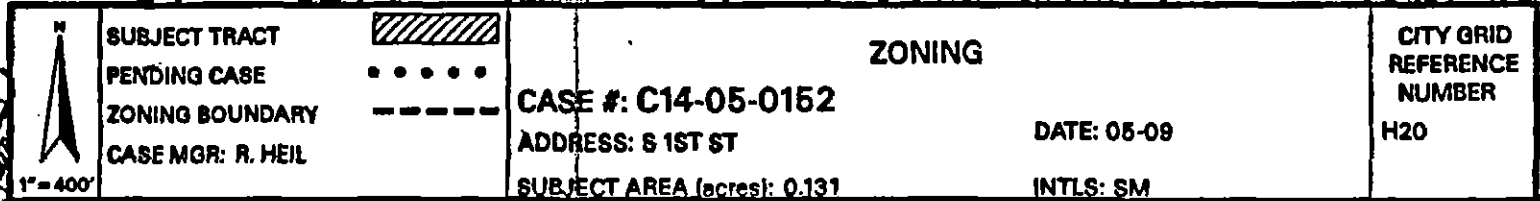
3rd

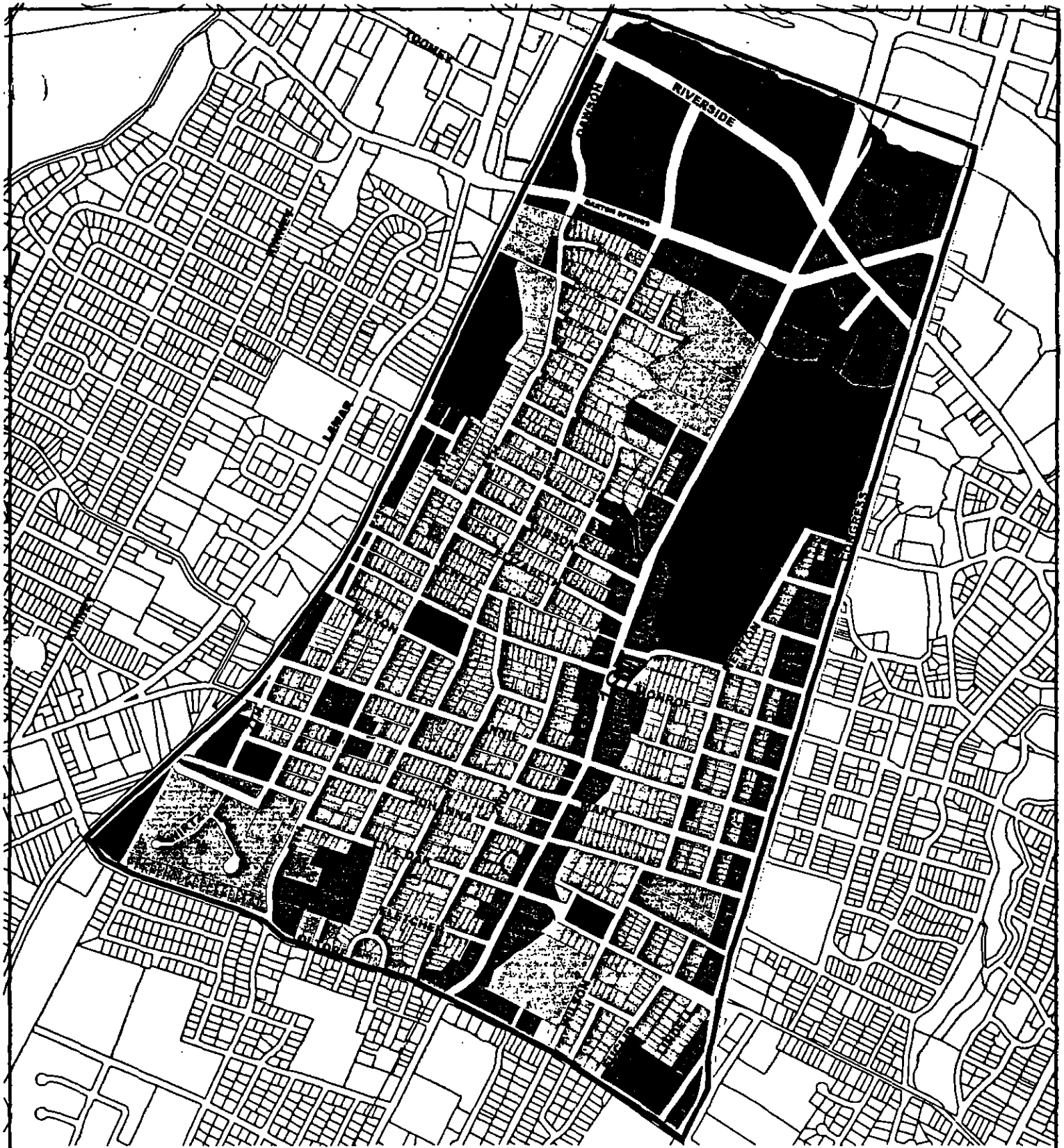
ORDINANCE NUMBER:

CASE MANAGER: Robert Heil

e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330





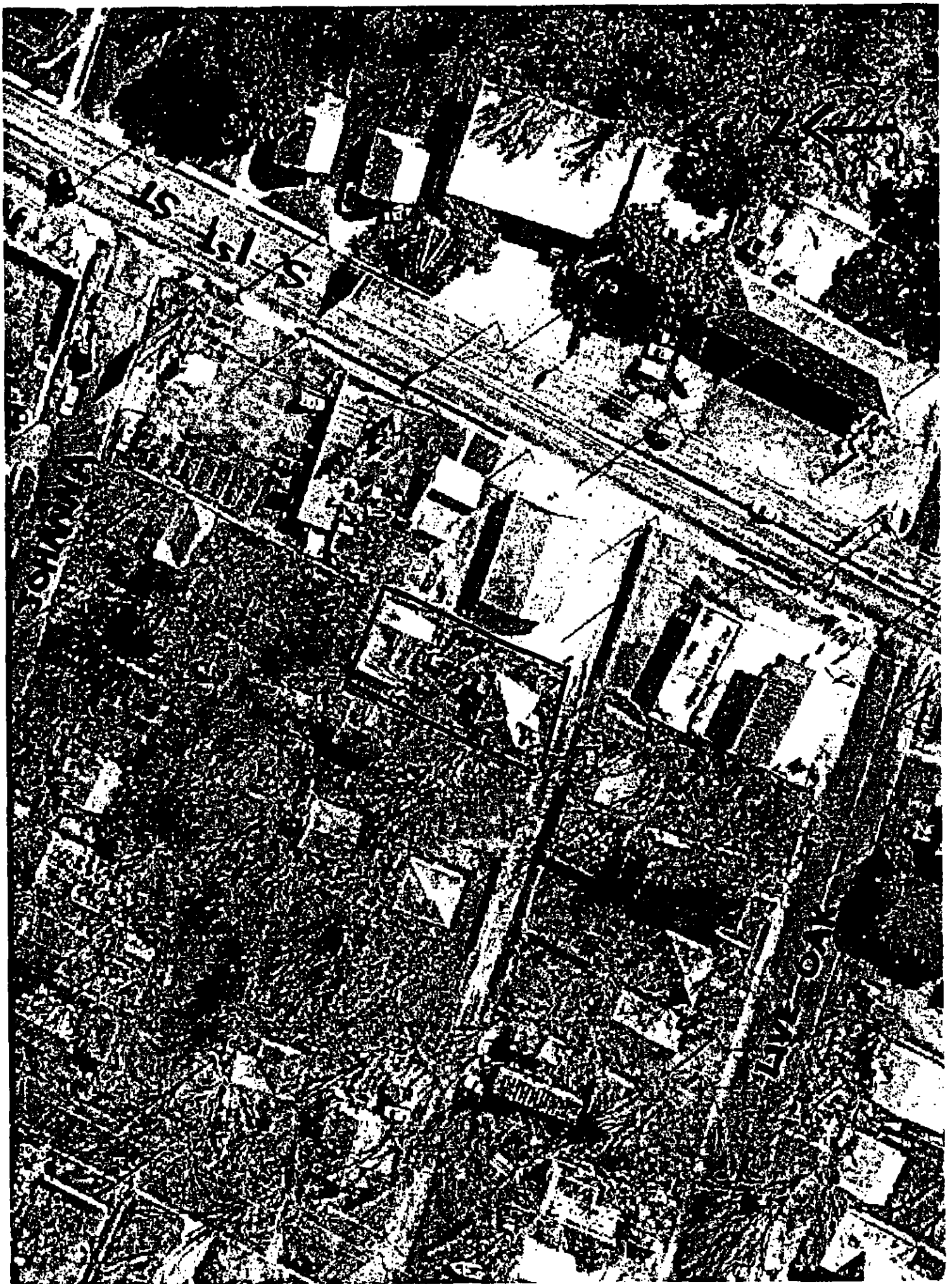
Bouldin Creek Neighborhood Planning Area Future Land Use Map

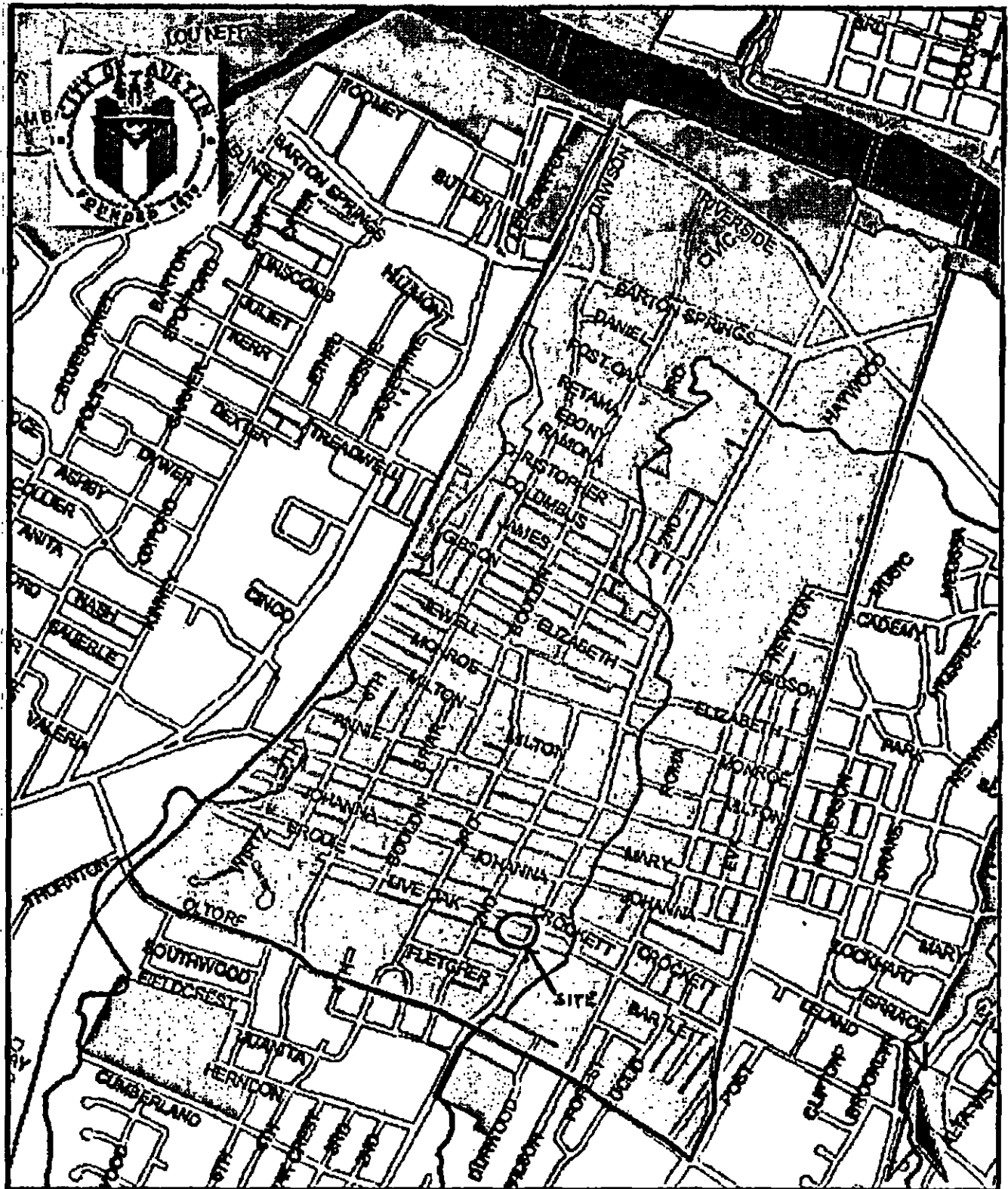
Neighborhood Planning and
Zoning Department
March 2002

A comprehensive plan shall not
constitute zoning regulations or
establish district boundaries.

- | | | | |
|--|---------------------------------|--|------------|
| | Single-Family | | Mixed Use |
| | Higher-Density
Single-Family | | Civic |
| | Multifamily | | Open Space |
| | Commercial | | |







Bouldin Neighborhood Planning Area

 **Parks**

0.3 0 0.3 0.6 Miles



SUMMARY STAFF RECOMMENDATION**C14-05-0153**

Staff recommends denial of both the request to amend the neighborhood plan and the request to rezone.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should be consistent with an adopted neighborhood plan..*

The requested zoning change is not consistent with the adopted Bouldin Creek Neighborhood Plan. The Bouldin Creek Neighborhood Planning Team met to consider the request for plan amendment and do not support the request.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

There is a reasonably clear line of demarcation between the commercial uses along South First and the residential interior of the neighborhood. Rezoning this property to GR would represent an intrusion of commercial zoning and land use into the residential core.

EXISTING CONDITIONS

Although zoned SF-3-NP the site is currently being used as an extension of an existing auto repair use along South First, which is zoned CS-CO-MU-NP. The site accesses the alley between West Live Oak and West Johanna Streets.

With the exception of the auto repair shop to the east, the surrounding properties are single family residential lots, mostly built out with existing single family homes.

Transportation

The trip generation under the requested zoning is estimated to be 1,055 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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification
South First Street	60'	44'	Major Arterial

Capital Metro bus service is available along S. First Street via Route #10.

There are existing sidewalks along S. First Street.

South First Street is not classified in the Bicycle Plan.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East 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. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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. 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.

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.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments 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.

Site Plan

The site is subject to compatibility standards (along north, west and south). Along the north 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.

CITY PLANNING COMMISSION**October 25, 2005 [ANNOTATED]****City Hall – Council Chambers****301 W. 2nd Street****1st Floor****CALL TO ORDER – 6:00 P.M.****COMMENCED: 6:10 P.M.****ADJOURNED: 1:48 A.M.** John-Michael Cortez – Secretary Mandy Dealey – Parliamentarian Cid Galindo Keith L. Jackson A Mathew Moore Jay Reddy – Assistant Secretary Chris Riley – Chair Gary Stegeman Dave Sullivan – Vice Chair**CONDUCT OF PUBLIC HEARINGS**

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those **FAVORING** the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those **OPPOSING** the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION OR CITIZENS THAT ARE UNABLE TO SPEAK BUT WOULD LIKE TO MAKE THE COMMISSION AWARE OF THEIR POSITION ARE REQUESTED TO REGISTER BY SIGNING A CARD AT THE ENTRANCE.

Any interested party aggrieved by a decision of the Planning Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Planning Commission.

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The

Facilitator: Wendy Walsh

City Attorney: Sharon Smith, 974-7773; or Marty Terry, 974-2974.

[D. SULLIVAN - 1ST, J. M. CORTEZ - 2ND]

Vote: 7-1, J. REDDY - NAY. M. MOORE - ABSENT.

4. Neighborhood Plan NPA-05-0013.01 - Versailles Body Shop

Amendment:

Location: 2008-A South First Street, East Bouldin Creek Watershed, Bouldin NPA

Owner/Applicant: Jose Versailles

Agent: Jose Versailles

Request: From Single Family to Mixed Use

Staff Rec.: **NOT RECOMMENDED**

Staff: Mark Walters, 974-7695, Mark.Walters@ci.austin.tx.us
Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning

Items 4 and 12 were taken up together and Mr. Robert Heil gave the Staff presentation. It was clarified that the only access to the property was through the alley. The Neighborhood Association is in agreement with LR or LO zoning. The Staff is still in opposition to the requested rezoning, citing conformance with the adopted Neighborhood Plan and proximity of single family residences.

FAVOR

Mr. Jose Versailles, the Applicant, described his automotive business that has been operating for 20 years, permit issues and asked for support of commercial zoning.

Mr. Ruben Rendon, is assisting Mr. Versailles in selling the property.

OPPOSITION

Mr. Glen Peage, owns the adjacent property on Live Oak, and described the surrounding land uses. He said the access to the property consists of a dirt alley, and that cars often block his access to the alley. Clarifications on LR and LO zoning were given by Staff.

REBUTTAL

Mr. Versailles said that he would like to fix the problems cited by the Neighbor.

DISCUSSION

Commissioner Galindo expressed concern about the limited access to the property through an alley. Commissioner Sullivan spoke about resale for residential uses, and noted their proximity. The property owner's real estate agent said that the property was more lucrative for commercial uses. Commissioner Riley mentioned that he would be supporting the motion because Austin is known for its eclectic businesses like this one that have been in operation for many years.

Facilitator: Wendy Walsh

City Attorney: Sharon Smith, 974-7773; or Marty Terry, 974-2974.

RECOMMENDED LR-MU-NP DISTRICT ZONING.**[J. REDDY - 1ST; K. JACKSON - 2ND]****Vote: 5-3, J. M. CORTEZ, C. GALINDO, D. SULLIVAN - NAY.**

5. Neighborhood Plan ~~NPA-05-0016.01 7th & Gunter~~

Amendment:

Location: 704 Gunter Street, Boggy Creek Watershed, Govalle/ Johnston Terrace
NPA

Owner/Applicant: Saldana Homes (Rose Marie Rocha)

Agent: Saldana Homes (Rose Marie Rocha)

Request: Commercial to Mixed Use

Staff Rec.: **RECOMMENDED**

Staff: Scott Whiteman, 974-2865, Scott.Whiteman@ci.austin.tx.us

Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us

Neighborhood Planning and Zoning

Ms. Nikelle Meade, Agent for the adjacent property owner, requested a two week postponement, to November 8, 2005.

Mr. Rocha, the property owner, is opposed to the adjacent property owner's second request for postponement, and desired to have the case heard tonight.

Mr. Llanos, a representative from Govalle Neighborhood Planning Team, spoke about the neighborhood plan amendment and rezoning process that has occurred since the applications were received by the City.

Commissioner Reddy asked Staff about the application of compatibility.

Commissioner Dealey asked Staff about the type of residential development that is proposed.

Commissioner Galindo made a motion for a two-week postponement (November 8, 2005) for Items 9 and 13; Commissioner Dealey seconded the motion

Vote: 7-0. J. M. CORTEZ - ARRIVED LATE; M. MOORE - ABSENT.

Note: Items to be placed early on the agenda.

15 July 2005

Mr. Jose Luis Versalles
Versalles Auto Body Repair
2008-A South First Street
Austin, Texas 789704

Mr. Versalles,

Thank you for presenting to the Bouldin Creek Neighborhood Association's (BCNA's) Zoning Committee your reasons for requesting a zoning change to your property from the present SF-3 (Single Family Residential) zoning.

The Bouldin Creek Neighborhood Plan specifically proscribes against any future use of commercial properties for automotive related services. Furthermore, it recommends against the creep of commercial property uses from principal neighborhood commercial corridors into the residential interior, as your property's location behind South First Street commercial properties would do.

However, considering that the property has been used for a commercial service for many years, and that the city issued a sales permit for your operation at this location in direct contradiction to its own zoning code,

And as there are existing nearby small, commercially zoned properties in the block behind the South First Street commercial corridor within the residential interior, and since re-zoning to a neighborhood commercial use would in effect comprise a "down-zoning" from the long-time use as an auto body repair shop, and because the property is accessible only through an alley rather than from street frontage, limiting the property's appeal for use as a single family residence, therefore:

BCNA's Zoning Committee recommended, and BCNA's Steering Committee voted its approval to strenuously oppose any rezoning to CS or any other general commercial or service zoning, but to not oppose a request to re-zone the property to LR (Neighborhood Commercial) or LO (Limited Office).

Let me know if you have any questions regarding the association's position with regard to your property and your inquiry about possible re-zoning.

Sincerely,

Cory Walton, President
Bouldin Creek Neighborhood Association

cc: Mr. Ruben Rendon