

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0004 – Oporta Zoning

Z.A.P. DATE: March 1, 2016

ADDRESS: 4400 East William Cannon Drive

DISTRICT AREA: 2

OWNER: Vicky Oporta

AGENT: Brown & Gay Engineers
(Steven Buffum)

ZONING FROM: SF-3

TO: GR-MU-CO

AREA: 0.853 acres
(37,169 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The conditional overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); club or lodge; college or university facilities; communication service facilities; custom manufacturing; drop-off recycling collection facility; exterminating services; funeral services; guidance services; hospital services (general); pawn shop services; plant nursery; private secondary educational facilities; public secondary educational facilities; residential treatment; service station; special use historic; theater; and urban farm.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

March 1, 2016: *APPROVED GR-MU-CO DISTRICT ZONING AS STAFF
RECOMMENDED WITH THE ADDITIONAL PROHIBITED USE OF DRIVE-IN SERVICES
AS AN ACCESSORY USE AND A HEIGHT LIMIT OF 45 FEET*

*[B. EVANS; S. HARRIS – 2ND] (9-1) J. GOODMAN – NAY; D. BREITHAUPT –
ABSENT*

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The subject undeveloped property and is zoned family residence (SF-3) district. Access is taken from East William Cannon, a divided major arterial roadway and therefore, vehicle movements are limited to right-turn in, right-turn out. There is undeveloped land to the west and north (MF-2), and auto-related and personal service uses to the east (GR-CO; CS). For additional context, the Williamson Creek Greenbelt is further north (SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property to the community commercial – mixed use – conditional overlay (GR-MU-CO) district so that it may be developed with retail and commercial uses, and also allows for a residential component to occur. The proposed CO includes many of the same prohibited uses as the adjacent property to the east, and allows for retail sales, restaurants, administrative and business offices, medical offices, consumer convenience services and consumer repair services, personal services and personal improvement services.

The north side of this segment of William Cannon Drive is characterized by a mixture of zoning categories and land uses, and GR-MU-CO zoning acts as a transition between the CS zoned property to the east and the multi-family residence zoned properties to the west, and also provides for subset of commercial uses that would serve the residences in proximity to this property, while excluding the more intensive GR land uses. The property's frontage on William Cannon Drive, a six-lane arterial roadway is also appropriate for commercial uses. Therefore, Staff is able to recommend the Applicant's rezoning request as outlined above.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Undeveloped
<i>North</i>	MF-2; SF-3	Undeveloped; Williamson Creek Greenbelt
<i>South</i>	SF-3	Single family residences in the Indian Hills Section 3 subdivision
<i>East</i>	GR-CO; CS	Auto sales; Auto rental and repair; Personal services
<i>West</i>	MF-2	Undeveloped; Apartments

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District 1228 – Sierra Club, Austin Regional Group
 1258 – Del Valle Community Coalition 1340 – Austin Heritage Tree Foundation
 1341 – Indian Hills Neighborhood Watch 1363 – SEL Texas
 1408 – GO! Austin/VAMOS! Austin – Dove Springs
 1438 – Dove Springs Neighborhood Association
 1441 – Dove Springs Proud 1447 – Friends of the Emma Barrientos MACC
 1528 – Bike Austin 1530 – Friends of Austin Neighborhoods

SCHOOLS:

Perez Elementary School

Mendez Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0089 – Garcia Zoning – 4410 E William Cannon Dr	SF-3 to GR-CO	To Grant GR-CO w/CO for 2,000 trips/day and limits the development to retail sales, restaurants (except drive-thru), offices, consumer convenience services, consumer repair services, personal services and personal improvement services	Apvd GR-CO as Commission recommended (01-17-2002).
C14-00-2124 – Garcia Zoning – 4410 E William Cannon Dr	SF-3 to CS	Not applicable (Case expired)	Not applicable
C14-91-0003 – Preiss Tract – 4500 E William Cannon Dr	CS to SF-3	Forwarded with no recommendation	Withdrawn
C14-82-009 – Las Maderas Apts – 2510 and 4504 North Bluff Dr	Interim-“A” Residence, First Height and Area to “BB” Residence, First Height and Area, as amended	To Grant “BB” Residence, First Height and Area and require site plan approval by Commission	Apvd “BB” Residence, First Height and Area w/ site plan approval by Commission (03-01-1984).

RELATED CASES:

The property was annexed into the full-purpose City limits on November 16, 1972 (C7-72-4AN).

There are no subdivision or site plan cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West William Cannon Drive	117 feet	84 feet	Major arterial divided	Yes	Bike Lane	Yes

CITY COUNCIL DATE: April 14, 2016**ACTION:** Approved a Postponement to May 5, 2016 (10-0, Council Member Troxclair was off the dais).

May 5, 2016

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov**PHONE:** 512-974-7719


$$1'' = 400'$$

ZONING CASE#: C14-2016-0004

EXHIBIT A



This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SUMMARY STAFF RECOMMENDATION:

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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 proposed community commercial (GR) 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. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The CO combining district may be applied in combination with most base districts. The district is intended to provide flexible and adaptive use or site development regulations by requiring standards tailored to individual properties.

This property has frontage on East William Cannon Drive.

2. *Zoning changes should promote compatibility with adjacent and nearby land uses.*
3. *Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.*

The proposed CO includes many of the same prohibited uses as the adjacent property to the east, and allows for retail sales, restaurants, administrative and business offices, medical offices, consumer convenience services and consumer repair services, personal services and personal improvement services. The north side of this segment of William Cannon Drive is characterized by a mixture of zoning categories and land uses, and GR-MU-CO zoning acts as a transition between the CS zoned property to the east and the multi-family residence zoned properties to the west, and also provides for subset of commercial uses that would serve the residences in proximity to this property, while excluding the more intensive GR land uses. The property's frontage on William Cannon Drive, a six-lane arterial roadway is also appropriate for commercial uses. Therefore, Staff is able to recommend the Applicant's rezoning request as outlined above.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped and generally slopes to the east, with groupings of trees along the north and east property lines. There is an existing gravel u-shaped driveway that extends along the south, west and north property lines.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Comprehensive Planning

The undeveloped subject property is approximately 0.86 acres in size and is located on the north side of William Cannon Drive and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes undeveloped land to the north, single family housing to the south, undeveloped land to the west, and a title loan company to the east. The proposed use is specialty commercial (taking out auto sales and auto repair uses) and the construction of approximately a 12,000 sq. ft. building. This is not a proposed mixed use project, although the zoning being pursued would allow mixed use.

The property fronts a public sidewalk and is located less than 500 ft. from a public transit stop.

Imagine Austin

The *Imagine Austin Growth Concept Map*, found in the *Imagine Austin Comprehensive Plan* (IACP), identifies the subject property as being located along an **Activity Corridor** (East William Cannon Drive). Activity corridors identify locations for additional people and jobs above what currently exists on the ground, which are characterized by a variety of activities and buildings types allowing people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following policies are taken from Chapter 4 of the IACP, which specifically discusses promoting a variety of land uses, including commercial uses:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Conclusion: Although Imagine Austin identifies this property as being located along an ‘**Activity Corridor**,’ which is identified for activities and uses that allow people to live, work, shop, and play, based on the small scale of this site relative to other commercial uses in this area, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

Environmental

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

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 Gross Site Area</i>	<i>% of Gross Site Area 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 floodplain maps there is no floodplain within or adjacent to the project location.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the 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 25 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet of height are allowed plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Transportation and Complete Streets Review

There appears to be a trail proposed within the adjacent property, however, based on the topography a pedestrian trail through this lot may not be advisable.

FYI – E. William Cannon road is proposed for curb realignment. At the time of site plan review the alignments of street trees, sidewalks and build to lines are required to be set back by 5' to support the upgrade to a future protected bicycle lane.

A Traffic Impact Analysis will be required at the time of site plan if triggered per LDC Section 25-6-113. FYI – A traffic study may be required if a TIA is not triggered [LDC, Section 25-6-113].

Additional right-of-way dedication may be required at the time of subdivision and/or site plan.

FYI – Per the Land Development Code and Transportation Criteria Manual, only one (1) driveway shall have access to William Cannon within the property frontage.

If the requested zoning is granted, it is recommended that all internal roadways, private driveways or streets to have sidewalks that connect to the public right-of-way. The sidewalk requirements shall be determined by the Transportation Criteria Manual.

If the requested zoning is granted, it is recommended that internal roadways, private driveways or streets be stubbed out to the north and west property lines.

Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for William Cannon Drive.

Water and Wastewater

FYI: If the landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.