

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2016-0046 – 7720 & 7800 South 1st Street

REQUEST:

Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7720 and 7800 South 1st Street (South Boggy Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2, to change conditions of zoning. The Conditional Overlay is for a list of prohibited and conditional uses. The provisions of the Restrictive Covenant are to: 1) prohibit an outdoor amplified sound device within 100 feet of any property line, and 2) limit hours of operation for an outdoor entertainment use to 9 p.m. on Sunday through Thursday to 11 p.m. on Friday and Saturday.

DISTRICT AREA: 2

DEPARTMENT COMMENTS:

The ordinance is consistent with City Council action taken on Second Reading.

OWNER & APPLICANT: Squirrel Pants, LLC (Adam Diaz)

DATE OF FIRST READING: August 11, 2016, Approved CS-CO combining district zoning for Tract 1 and GR-MU-CO combining district zoning for Tract 2, on First Reading (11-0). Note: CM Garza to meet with the Applicant to discuss noise restrictions.

DATE OF SECOND READING: September 22, 2016, Approved CS-CO combining district zoning for Tract 1 and GR-MU-CO combining district zoning for Tract 2, on Second Reading (10-0, Council Member Troxclair was off the dais).

CITY COUNCIL HEARING DATE: October 13, 2016

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0046 – 7720 & 7800 South 1st Street **Z.A.P. DATE:** June 7, 2016

ADDRESS: 7720 and 7800 South 1st Street

DISTRICT AREA: 2

OWNER & APPLICANT: Adam Diaz

ZONING FROM & TO: CS-CO (Tract 1); **AREA:** 1.619 acres
GR-MU-CO (Tract 2), to change a condition of zoning

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant:

On Tract 1: general commercial services – conditional overlay (CS-CO) combining district zoning and remove the following uses from the prohibited use list: food sales, general retail sales (convenience & general), hotel-motel, indoor entertainment, off-site accessory parking, personal improvement services, personal services, and restaurant (general & limited); and

On Tract 2: community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning and remove the following uses from the prohibited use list: food preparation, general retail sales (general), hotel-motel, indoor entertainment, indoor sports and recreation, personal improvement services, and theater.

For Tracts 1 and 2, an additional CO is to limit the number of driveways to South 1st Street to one.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

June 7, 2016: *APPROVED CS-CO DISTRICT ZONING AND GR-MU-CO DISTRICT ZONING AS STAFF RECOMMENDED, WITH THE EXCEPTION OF ESTABLISHING OUTDOOR ENTERTAINMENT AND OUTDOOR SPORTS AND RECREATION AS CONDITIONAL USES*

[G. ROJAS; S. HARRIS – 2ND] (8-0) J. KIOLBASSA; S. LAVANI; D. BREITHAUPT – ABSENT

ISSUES:

The Applicant would like to discuss the Zoning and Platting Commission recommendation as it pertains to permitting the Theater and Indoor Sports and Recreation uses on Tract 1, and limiting the number of driveways to one. The Applicant would like the ability to pursue these two uses and a second driveway on the property.

DEPARTMENT COMMENTS:

The subject two lots contain a community garden, are otherwise undeveloped and take access to South 1st Street. Tract 1, the northern lot, is zoned general commercial services – conditional overlay (CS-CO) combining district and Tract 2, the southern lot, is zoned community commercial – mixed use – conditional overlay (GR-MU-CO) combining district, by way of zoning cases in 2005. On both lots, the Conditional Overlay prohibits a number of land uses. There is a child care facility to the south (LO) and a vacant food sales use at the corner of Dittmar and South First Street (LR); attached condominiums under construction to the west at the corner of Dittmar and Cooper (MF-1-CO); and a pipeline easement, commercial use and undeveloped property to the north (SF-2; DR). Across South 1st Street to the west, there is a service station with food sales and other commercial uses, and undeveloped commercial land (LR). The nearest single family residences back up to South 1st Street and take primary access to Elderberry Drive. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to modify the Conditional Overlay on both lots to remove certain prohibited uses in order to develop the site with several greenhouses, a community garden and a parking area on Tract 1, and a theater, restaurant, six residential units and a parking area on Tract 2. Please refer to Exhibits C (2005 Zoning Ordinances) and D (Conceptual Site Plan). On Tract 1 (CS-CO), the Applicant proposes to remove the following uses from the prohibited use list:

food sales	general retail sales (convenience & general)	hotel-motel
indoor entertainment	off-site accessory parking	
outdoor sports and recreation	outdoor entertainment	
personal improvement services	personal services	restaurant (general & limited)

On Tract 2 (GR-MU-CO), the Applicant proposes to remove the following uses from the prohibited use list:

food preparation	general retail sales (general)	hotel-motel
indoor entertainment	indoor sports and recreation	
outdoor sports and recreation	outdoor entertainment	
personal improvement services	theater	

Recent condominium developments to the west have changed the vicinity's character to some degree since the CS-CO and GR-MU-CO zonings were approved in 2005. Many of the above-listed uses would capture pass-by traffic, serve the surrounding neighborhoods and are also typically located a major arterial roadway. In addition, the site is also located adjacent to a non-residential use and the 50-foot wide pipeline easement to the north. Staff has concerns, however, that the outdoor entertainment and outdoor sports and recreation uses on Tracts 1 and 2 have the potential to create noise conflicts with the condominium project that is in the initial phases of construction to the west. Due to the property's frontage of approximately 284 feet on South 1st Street and proximity to the adjacent driveway serving the

child care facility to the south, Staff is also recommending a CO to limit the number of driveways on the site to one.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO; GR-CO	Undeveloped; Community garden
<i>North</i>	SF-2; DR	Pipeline easement; Warehouses; Undeveloped
<i>South</i>	LO; LR	Child care facility; Food sales (vacant)
<i>East</i>	LR; SF-3	Service station with food sales, personal services, retail sales and restaurant; Single family residences
<i>West</i>	MF-1-CO	Condominiums (under construction)

AREA STUDY: N/A

TIA: Is not required

WATERSHED: South Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Williams Elementary School

Bedichek Middle School

Crockett High School

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association

39 – Matthews Lane Neighborhood Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

1228 – Sierra Club, Austin Regional Group

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

1372 – Peaceful Hill Preservation League

1374 – Friends of Williams Elementary

1424 – Preservation Austin

1429 – Go!Austin / Vamos!Austin (GAVA) – 78745

1440 – South Boggy Creek Environmental Association

1494 – South Boggy Creek Neighborhood Association

1528 – Bike Austin

1530 – Friends of Austin Neighborhoods

1550 – Homeless Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0061 – Townbridge Homes Rezoning – 7513 and 7603 Cooper Ln	DR; SF-2 to SF-6	To Grant SF-6-CO w/CO for 30 stand-alone units, 10' vegetative buffer along the southernmost property line	Apvd SF-6-CO with a Restrictive Covenant to prohibit the use of gated access on the property (12-10-2015).

		w/replacement provisions, pedestrian and bike access along the north, east and south property lines	
C14-2014-0052 – Cooper Lane Rezoning – 7405, 7409 and 7415 Cooper Ln	DR; SF-2 to SF-6-CO, as amended	To Grant SF-6-CO w/CO for a max of 65 units, 25' vegetative buffer along the north property line, restrict uses to sf, townhouse/condo, and the conds. of the Neighborhood Traffic Analysis, and add'l conds. for full access to Sir Gawain, sidewalks to Sir Gawain and Cooper Ln, stub-out to property to south between Lots 43 and 54 (refer to Concept Plan), traffic calming device on private street close to Sir Gawain, and secondary entrance/exit to Cooper Ln.	Apvd SF-6-CO with a Restrictive Covenant as Commission recommended (8-28-2014). <u>Note</u> : Site plan apvd for 65 two-story condo units w/drives, sidewalks, utilities, drainage and other associated improvements on 9.86 acres.
C14-2014-0049 – Cooper Villas – 7805 Cooper Ln	CS-CO to MF-1	To Grant MF-1-CO w/CO prohibiting residential uses	Apvd MF-1-CO as ZAP recommended (6-26-2014). <u>Note</u> : Site plan apvd for 41 one-story condo units w/parking, detention pond, rain gardens, amenity center and pool on 3.82 acres.

RELATED CASES:

Tract 1 was approved for CS-CO zoning in December 2005 (C14-05-0161 – Prunty Tracts). Tract 2 was approved for GR-MU-CO zoning also in December 2005 (C14-05-0162 – Prunty Tracts).

The zoning area is platted as Lots 2 and 3 of the Dittmar at Cooper Subdivision, recorded on March 31, 2008 (C8-2007-0174.0A). Please refer to Exhibit B. There are no pending or approved site plans on the property.

The property was annexed into the City's Full Purpose Jurisdiction on November 1984 (C7a-83-017 A).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
South 1 st Street	72 feet	45 feet	Minor Arterial	Yes	Yes	Yes

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for South 1st Street.

CITY COUNCIL DATE: August 11, 2016

ACTION: Approved CS-CO district zoning for Tract 1 and GR-MU-CO district zoning for Tract 2 as the Zoning and Platting Commission recommended, on First Reading (11-0). Note: CM Garza to meet with the Applicant to discuss noise restrictions.

September 22, 2016

Approved CS-CO district zoning for Tract 1 and GR-MU-CO district zoning for Tract 2 as on First Reading, with the following changes: the Indoor sports and recreation and Theater uses are removed from the prohibited use list on Tract 1, the driveway limitation is removed, prohibit an outdoor amplified sound device within 100 feet of any property line, and limit hours of operation for an outdoor entertainment use to 9 p.m. on Sunday through Thursday, and to 11 p.m. on Friday-Saturday, on Second Reading (10-0, Council Member Troxclair was off the dais).

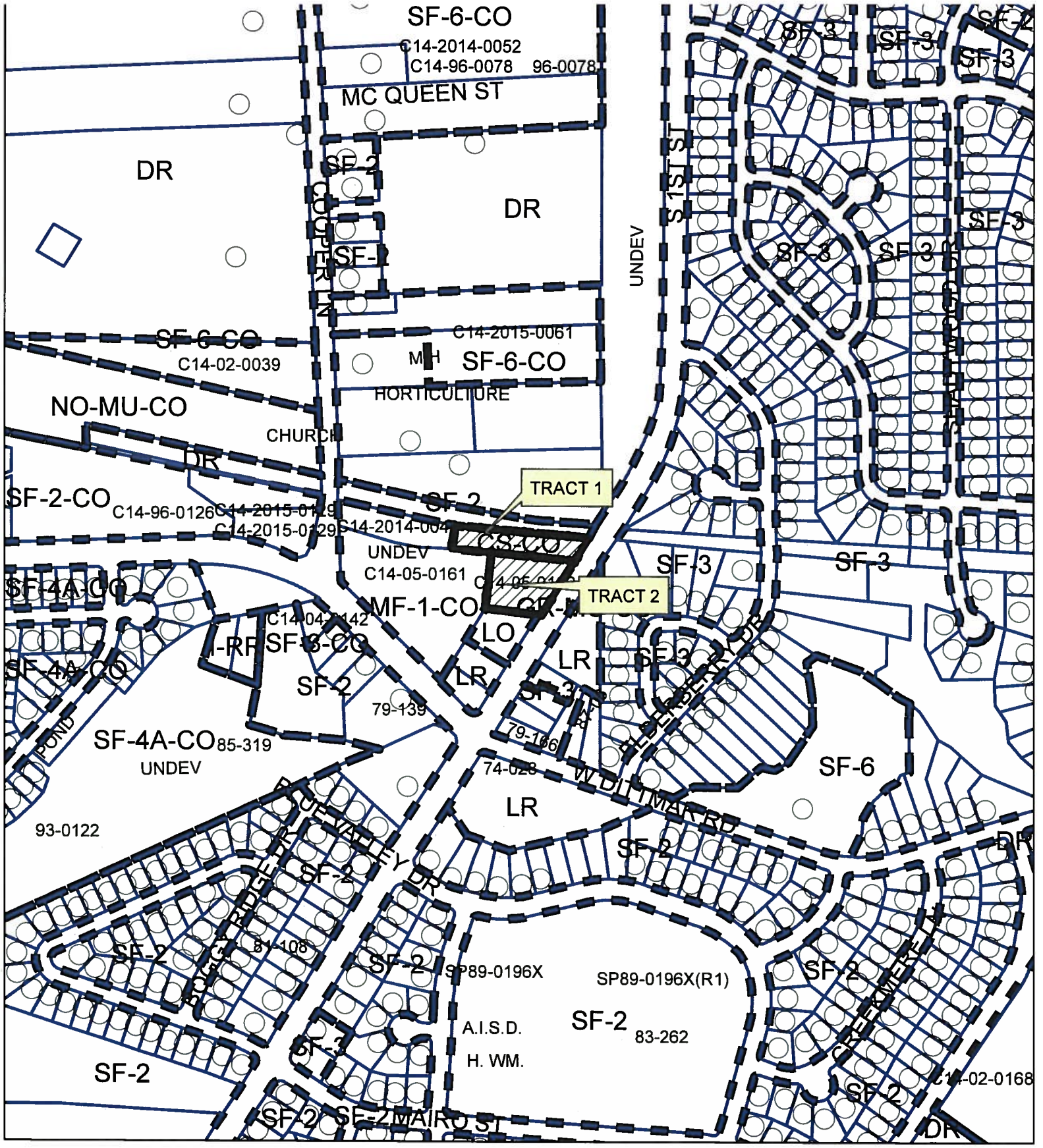
October 13, 2016

ORDINANCE READINGS: 1st August 11, 2016 2nd September 22, 2016 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719






ZONING

EXHIBIT A

Zoning Case: C14-2016-0046



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.





ZONING & VICINITY

ZONING CASE#: C14-2016-0046
 LOCATION: 7720 & 7800 SOUTH 1ST STREET
 SUBJECT AREA: 1.619 ACRES
 MANAGER: WENDY RHOADES

EXHIBIT A-1



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

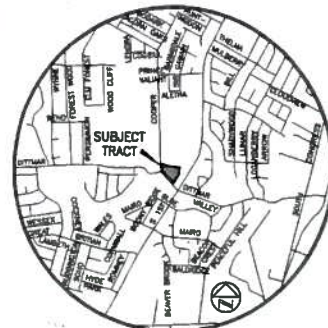


DITTMAR AT COOPER
SUBDIVISION

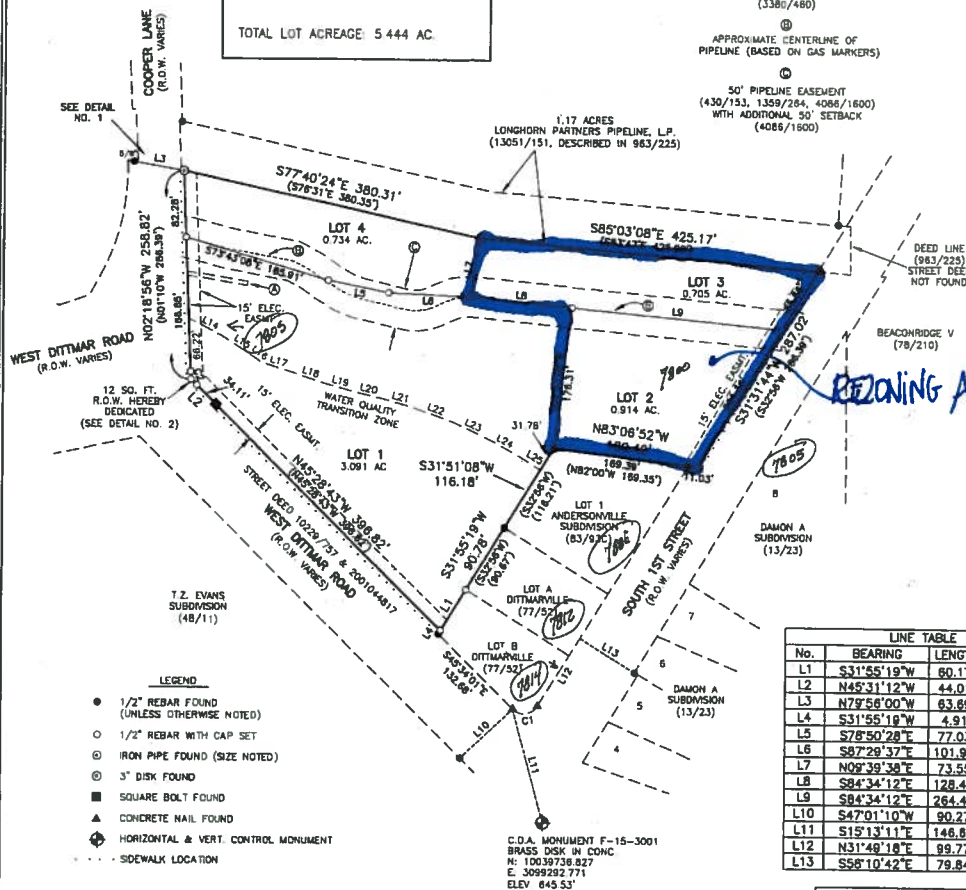
LOT SUMMARY

TOTAL NO. OF LOTS: 4
 NO. OF MF RESIDENTIAL LOTS: 1
 NO. OF COMMERCIAL LOTS: 3
 TOTAL LOT ACREAGE: 5.444 AC.

③
 5' ELECTRIC &
 TELEPHONE EASEMENT
 (3380/480)
 ④
 APPROXIMATE CENTERLINE OF
 PIPELINE (BASED ON GAS MARKERS)
 ⑤
 50' PIPELINE EASEMENT
 (430/153, 1359/284, 4086/1600)
 WITH ADDITIONAL 50' SETBACK
 (4086/1600)

LOCATION MAP
(NOT TO SCALE)

OCTOBER 1, 2007



LEGEND

- 1/2" REBAR FOUND (UNLESS OTHERWISE NOTED)
- 1/2" REBAR WITH CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ⊙ 3" DISK FOUND
- SQUARE BOLT FOUND
- ▲ CONCRETE NAIL FOUND
- ⊕ HORIZONTAL & VERT. CONTROL MONUMENT
- SIDEWALK LOCATION

LINE TABLE			
No.	BEARING	LENGTH	(RECORD)
L1	S31°55'19"W	80.17'	(S32°58'W 80.48')
L2	N45°31'12"W	44.01'	(N45°30'48"W 44.00')
L3	N78°56'00"W	83.69'	
L4	S31°55'18"W	4.91'	
L5	S78°50'28"E	77.03'	
L6	S87°29'37"E	101.95'	
L7	N08°39'38"E	73.55'	
L8	S84°34'12"E	128.43'	
L9	S84°34'12"E	264.47'	
L10	S47°01'10"W	90.27'	
L11	S15°13'11"E	146.61'	
L12	N31°49'18"E	99.77'	
L13	S58°10'42"E	79.84'	

LINE TABLE	
No.	BEARING
L14	S62°21'24"E
L15	S57°23'03"E
L16	S51°32'01"E
L17	S72°29'31"E
L18	S71°02'42"E
L19	S74°48'42"E
L20	S76°32'10"E
L21	S74°37'34"E
L22	S70°08'55"E
L23	S65°13'01"E
L24	S81°25'56"E
L25	S58°05'30"E

CURVE TABLE					
NO.	DELTA	RADIUS	TAN	ARC	CHORD
C1	102°48'01"	20.00'	25.05'	35.88'	31.26'
C2	43°12'16"	25.00'	9.90'	18.85'	18.41'

SURVEYOR'S CERTIFICATION

I, ROBERT C. WATTS JR., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEYING RELATED PORTIONS OF CHAPTER 25 OF THE AUSTIN CITY CODE OF 1988 AS AMENDED, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR MADE UNDER MY SUPERVISION, MADE ON THE GROUND 5/31/2007.

Robert C. Watts Jr.
 ROBERT C. WATTS JR., R.P.L.S. 4993

SURVEYING BY:
 CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
 2807 MANCHACA ROAD
 BUILDING ONE
 AUSTIN, TEXAS 78704
 (512) 443-1724



1-29-08

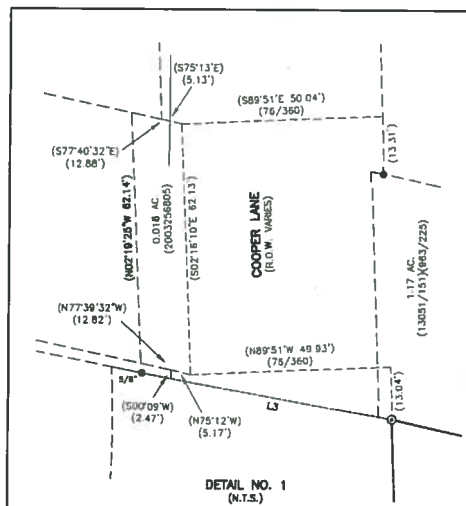
ENGINEER'S CERTIFICATION

I, STEVEN KING, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE AUSTIN CITY CODE OF 1995, AS AMENDED, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD OF A WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL 48453C0215, DATED JANUARY 19, 2000, FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS.

Steven King
 STEVEN KING, P.E.

ENGINEERING BY:
 CONSORT, INC.
 315 BOWE STREET
 AUSTIN, TEXAS 78703
 (512) 489-0500



Consort, Inc.
 315 Bowe / Austin, TX 78703 / (512) 489-0500

Chaparral
 Professional Land Surveying, Inc.
 Surveying and Mapping
 2807 Manchaca Rd., Building 1
 Austin, Texas 78704
 512-443-1724

PROJECT NO.:
 487-001
 DRAWING NO.:
 487-001-PL1
 PLOT DATE:
 01/29/08
 PLOT SCALE:
 1"=100'
 DRAWN BY:
 RCW
 SHEET
 1 OF 2

CB-2007-0174.0A

EXHIBIT B
 RECORDED PLAT

ORDINANCE NO. 20051215-Z006

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7720 SOUTH FIRST STREET, 7801-7805 COOPER LANE, AND 630-640 DITTMAR ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT FOR TRACT ONE AND MULTIFAMILY RESIDENCE LIMITED DENSITY-CONDITIONAL OVERLAY (MF-1-CO) COMBINING DISTRICT FOR TRACT TWO.

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 districts on the property described in **Zoning Case No. C14-05-0161**, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district to general commercial services-conditional overlay (CS-CO) combining district.

A 1.439 acre tract of land, more or less, out of the William Cannon Survey No. 19, Abstract No. 6, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From development reserve (DR) district and limited office (LO) district to multifamily residence limited density-conditional overlay (MF-1-CO) combining district.

A 3.092 acre tract of land, more or less, out of the William Cannon Survey No. 19, Abstract No. 6, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 7720 South First Street, 7801-7805 Cooper Lane, and 630-640 Dittmar Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The following uses are prohibited uses of Tract One:

Agricultural sales and services	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Campground	Commercial blood plasma center
Commercial off-street parking	Congregate living
Consumer convenience services	Consumer repair service
Drop-off recycling collection facility	Financial services
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Group home, Class I (general)	Group home, Class I (limited)
Group home, Class II	Guidance services
Hospital services (general)	Hospital services (limited)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Kennels
Laundry services	Maintenance and service facilities
Medical offices (exceeding 5000 sq. ft. of gross floor area)	Medical offices (not exceeding 5000 sq. ft. of gross floor area)
Monument retail sales	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Personal improvement services
Personal services	Printing and publishing
Recreational equipment maintenance and storage	Research services
Restaurant (general)	Residential treatment
Service station	Restaurant (limited)
Theater	Software development
Transportation terminal	Transitional housing
Veterinary services	Vehicle storage

3. The following uses are conditional uses of Tract One:

Business or trade school
Community recreation (private)
Construction sales and services
Exterminating services
Public secondary education facilities

College and university facilities
Community recreation (public)
Equipment repair services
Private secondary educational facilities

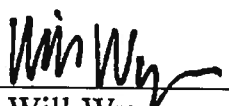
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

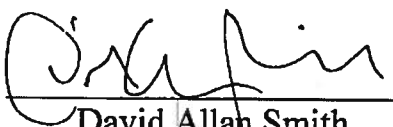
PART 3. This ordinance takes effect on December 26, 2005.

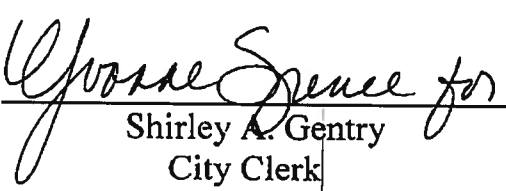
PASSED AND APPROVED

December 15, 2005

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§
§


Will Wynn
Mayor

APPROVED: 
David Allan Smith
City Attorney

ATTEST: 
Shirley A. Gentry
City Clerk

ORDINANCE NO. 20051215-Z007

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7800-7804 SOUTH FIRST STREET FROM DEVELOPMENT RESERVE (DR) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) 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 development reserve (DR) to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-05-0162, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.914 acre tract of land, more or less, out of the William Cannon Survey No. 19, Abstract No. 6, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 7800-7804 South First Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The following uses are conditional uses of the Property:

Medical offices (exceeding 5000 sq. ft.
of gross floor area)
Community recreation (public)
Hospital services (limited)

Congregate living
Community recreation (private)
Group home, Class II
Residential treatment

3. The following uses are prohibited uses of the Property:

Automotive rentals

Automotive sales

Bail bond services

Business support services

Communications services

Exterminating services

Funeral services

Hospital services (general)

Indoor entertainment

Outdoor sports and recreation

Pawn shop services

Research services

Automotive repair services

Automotive washing (of any type)

Business or trade school

Commercial off-street parking

Drop-off recycling collection facility

Food preparation

General retail sales (general)

Hotel-motel

Indoor sports and recreation

Outdoor entertainment

Personal improvement services

Theater

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on December 26, 2005.

PASSED AND APPROVED

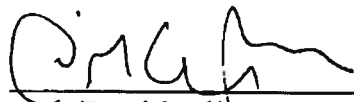
December 15, 2005

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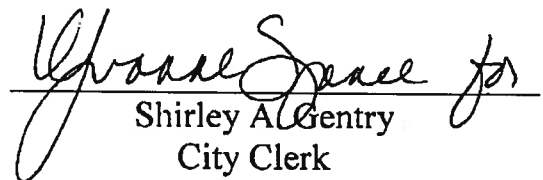
Will Wynn
Mayor

APPROVED:

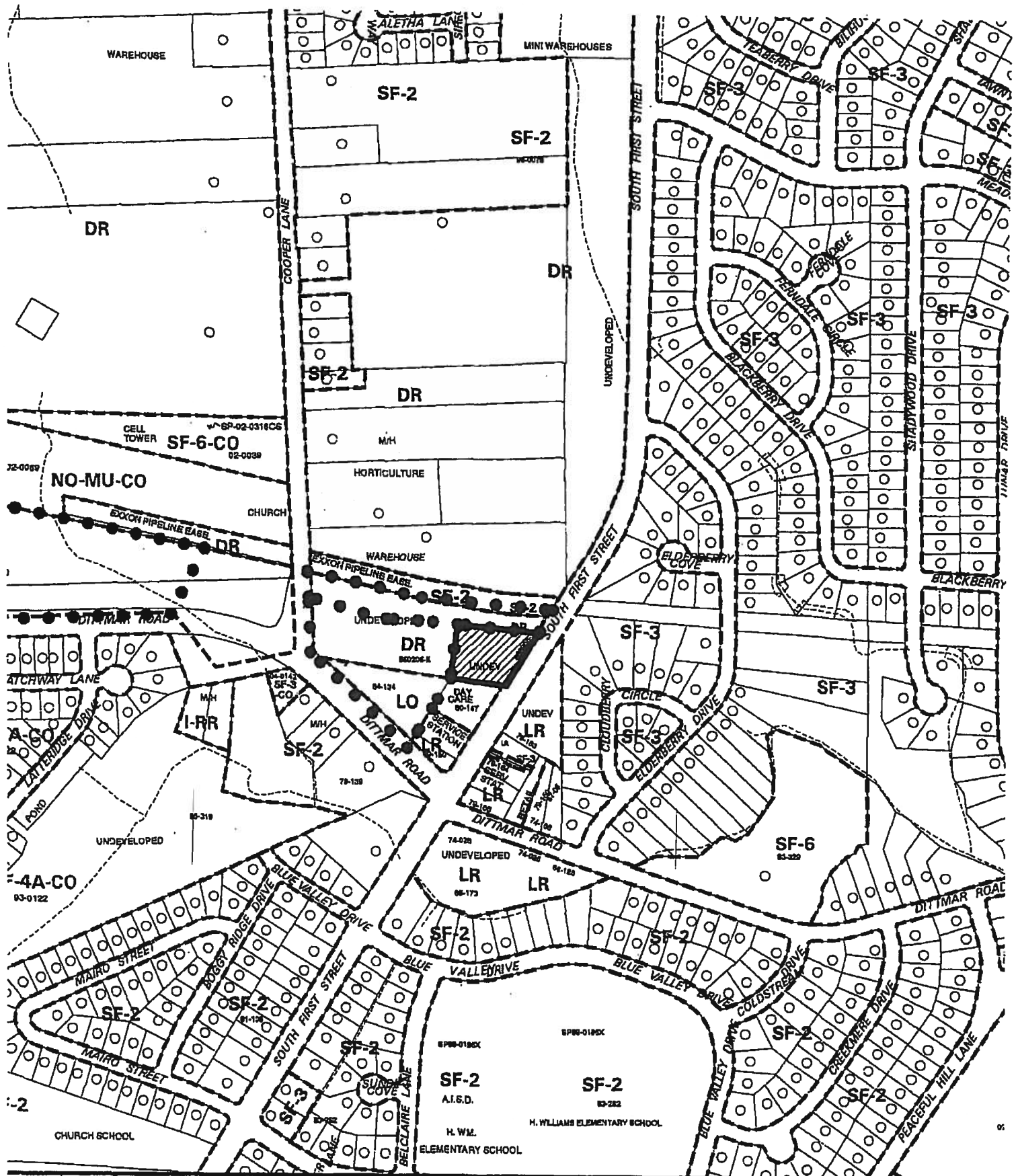




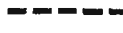
David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: W. WALSH

ZONING EXHIBIT B

CASE #: C14-05-0162
 ADDRESS: 7800-7804 SOUTH FIRST ST.
 SUBJECT AREA (acres): 0.914

DATE: 05-10
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 F15

EXHIBIT D
CONCEPTUAL SITE PLAN

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant:

On Tract 1: general commercial services – conditional overlay (CS-CO) combining district zoning and remove the following uses from the prohibited use list: food sales, general retail sales (convenience & general), hotel-motel, indoor entertainment, off-site accessory parking, personal improvement services, personal services, and restaurant (general & limited); and

On Tract 2: community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning and remove the following uses from the prohibited use list: food preparation, general retail sales (general), hotel-motel, indoor entertainment, indoor sports and recreation, personal improvement services, and theater.

For Tracts 1 and 2, an additional CO is to limit the number of driveways to South 1st Street to one.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Tract 1: The proposed general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

Tract 2: 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.

2. Zoning changes should promote compatibility with adjacent and nearby uses.

Recent condominium developments to the west have changed the vicinity's character to some degree since the CS-CO and GR-MU-CO zonings were approved in 2005. Many of the above-listed uses would capture pass-by traffic, serve the surrounding neighborhoods and are also typically located a major arterial roadway. In addition, the site is also located adjacent to a non-residential use and the 50-foot wide pipeline easement to the north. Staff has concerns, however, that the outdoor entertainment and outdoor sports and recreation uses on Tracts 1 and 2 have the potential to create noise conflicts with the condominium project that is in the initial phases of construction to the west. Due to the property's frontage of approximately 284 feet on South 1st Street and proximity to the adjacent driveway serving the child care facility to the south, Staff is also recommending a CO to limit the number of driveways on the site to one.

EXISTING CONDITIONS

Site Characteristics

The rezoning area contains a community garden and is otherwise undeveloped. Portions of each lot have dense vegetative cover.

Impervious Cover

The maximum impervious cover allowed by the *CS and GR zoning districts* is 80%, which is based on the more restrictive *watershed* regulations.

Comprehensive Planning

This rezoning case is located on west side of South 1st Street on two parcels that when combined total 1.69 acres in size. The property is mostly undeveloped but does have a community garden on it. The property is not located in the boundaries of a neighborhood planning area. Surrounding land uses includes undeveloped land to the north, a learning center to the south, and undeveloped land to the east and west. The proposed use is a variety of commercial uses, including food sales, general retail, hotel/motel, and an indoor/outdoor entertainment area.

Connectivity: There is a public sidewalk located along this portion of S. 1st Street, and a public transit stop is located less than a quarter of mile away. The Walkscore for this site is 33/100, meaning most errands require a car.

Imagine Austin

The subject property is located along an **Activity Corridor** as identified on the Imagine Austin Growth Concept Map. Activity corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The following Imagine Austin policies are applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, or **along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a **mix of land uses and housing types** and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based upon this property being situated along an **Activity Corridor** as designated on the Growth Concept Map and the Imagine Austin policies above, both which support commercial uses, this project appears to be supported by Imagine Austin.

Environmental

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

Numerous 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.

Site Plan

GIS shows this site to be entirely within three Hazardous Pipeline easements: Equilon, SouthTex, and Williams. Development in a restricted pipeline area is regulated by Sec. 25-2-516. Review by the Fire Department is required [LDC, 25-2-516]. Any site plan submitted will need to show the outlines of all pipeline easements, and distances from structures to the easement boundary and pipes.

Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation [LDC, 25-2-516(D)(2)].

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. As information, South 1st Street is a Suburban Roadway.

The site is subject to compatibility standards. Along the north and east property lines, 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 landscape area at least 25 feet wide is required along 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.

Transportation

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

If the requested zoning is granted, it is recommended that joint access be provided between both lots along South 1st Street due to insufficient frontage for a driveway (northern lot). As information, spacing between driveways is 200 feet on major arterial roadways such as South 1st Street. The zoning area has a total of 286 linear feet along South 1st Street.

A traffic impact analysis may be required at the time of site plan.

A conditional overlay of 2,000 trips is *not* recommended at this time.

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].

Water / Wastewater

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, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and

approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

August 3, 2016

Mayor Steve Adler and Austin City Council Members

In reference to zoning case C14-2016-0046, I am requesting the land uses of Theater and Indoor Sports and Recreation be changed from prohibited uses to permitted uses on Tract 1. Staff has supported those uses on Tract 2 and I believe it makes sense to have consistent land uses across the two Tracts.

I would also like to request that the driveway limitation be removed from the draft rezoning ordinance. As the site plan shows, there are future plans for a crop production operation on the west side of Tract 1 that will function as a driveway for delivery trucks. Tract 2 has an existing driveway as shown on the conceptual site plan. Sharing one driveway between Tract 1 and 2 will be difficult due to expected congestion. Tract 2 will serve traffic from the planned retail, residential, and restaurant uses.

Thank you,

Adam Diaz
Owner/Developer
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