

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0108 – 8721 South 1<sup>st</sup> Street

DISTRICT: 2

ZONING FROM: IP-CO

TO: CS

ADDRESS: 8721 South 1<sup>st</sup> Street

SITE AREA: 0.81 acres  
(35,283 square feet)

PROPERTY OWNER: BRW Holdings, LLC (Robin and Barry Wurzel)

AGENT: Jackson Walker L.L.P. (Katherine Loayza)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits automotive rentals, automotive repair services, automotive sales, and service station. For a summary of the basis of Staff's recommendation, please see page 2.**

### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**September 7, 2021: *APPROVED CS-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT***

***[H. SMITH; T. BRAY – 2<sup>ND</sup>] (10-0) N. BARRERA-RAMIREZ – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA***

### CITY COUNCIL ACTION:

**October 14, 2021:**

### ORDINANCE NUMBER:

### ISSUES:

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

### CASE MANAGER COMMENTS:

The subject rezoning area is an undeveloped portion of a lot that is zoned industrial park – conditional overlay (IP-CO) by way of a 2012 case (C14-2012-0090 – Freedom Park). The remainder of the lot contains a pet services use which has direct frontage on South 1<sup>st</sup> Street (LR-CO) and construction sales and services, and limited warehousing and distribution uses oriented towards Ralph Ablandado Drive (IP-CO). Vehicular access would be taken to South 1<sup>st</sup> Street. The existing Conditional Overlay covers the following items: 1) limits the number

of vehicle trips to no more than 2,000 per day, 2) limits height to 40 feet, 3) limits impervious cover to 70 percent, and 4) prohibits automotive sales, automotive rentals, automotive repair services, and service station uses. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

There is a church to the north (IP-CO), the aforementioned construction sales and services and limited warehousing and distribution uses to the east and south, and an administrative / business office, personal services, and pet services uses (the latter use is under common ownership) to the east which front on South 1<sup>st</sup> Street (LR-CO).

The Applicant has requested general commercial services (CS) district zoning in order to allow for the pet services and kennels uses (not permitted in the IP district), in addition to the existing construction sales and services and limited warehousing and distribution uses adjacent to the east and south of the rezoning area.

#### BASIS OF RECOMMENDATION:

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

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. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

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

The Staff recommends CS-CO zoning based on its access to an arterial roadway and compatibility with adjacent commercial zoned and used properties along this segment of South 1<sup>st</sup> Street. The Conditional Overlay continues to prohibit automotive repair services, automotive sales, automotive washing, and service station on the property.

#### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	IP-CO	Undeveloped
<i>North</i>	IP-CO; DR	Church; Commercial buildings (vacant, formerly plumbing supplier)
<i>South</i>	IP-CO; LI-CO	Construction sales and services; Limited warehousing and distribution
<i>East</i>	IP-CO; LO-CO	Construction sales and services; Adult learning facility
<i>West</i>	LR-CO; MF-2-CO	Insurance office; Hair salon; Pet services; Apartments

NEIGHBORHOOD PLANNING AREA: Not ApplicableTIA: Is not requiredWATERSHED: South Boggy Creek – SuburbanCAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoSCHOOLS:

Williams Elementary School

Bedichek Middle School

Crockett High School

COMMUNITY REGISTRY LIST:

511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District      1228 – Sierra Club, Austin Regional Group  
 1363 – SEL Texas      1424 – Preservation Austin  
 1494 – South Boggy Creek Neighborhood Association  
 1530 – Friends of Austin Neighborhoods  
 1531 – South Austin Neighborhood Alliance (SANA)  
 1550 – Homeless Neighborhood Association  
 1616 – Neighborhood Empowerment Foundation      1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0151 – 8401-8407 South 1 <sup>st</sup> Street	DR; SF-2; SF-6- CO; LR-MU-CO to MF-4	To Grant MF-4-CO w/CO for max 50' building height and 4 stories; max 290 units; minimum 45' dwelling unit setback along the north and east property lines adjacent to SF-2 zoning; 6' high solid fence along the north and east property lines; and 8' wide vegetative buffer along the north and east property lines; and 6) limit access to Orr Dr to bicycle, pedestrian, and emergency ingress and egress	Scheduled for 9-30- 2021.
C14-2020-0139 – Cullen and Ralph Ablanedo – 8811 Cullen Ln and 203	CS-CO; GR- MU-CO to GR- MU	To Grant, as requested	Apvd (3-4-2021).

Ralph Ablanedo Dr			
C14-2007-0199 – 8700 Block of South 1 <sup>st</sup> St	SF-6; LR-CO; GR-CO to MF-2	To Grant MF-2-CO w/CO for 2,000 trips per day; 25' vegetative buffer along the north & west property lines; single story structure not exceeding 20-feet in height; minimum of 75-feet setback from property line; minimum of 6-foot fence along the north & west property lines	Apvd MF-2-CO as Commission recommended (1-10-2008).
C14-02-0178 – Thomas Davern – 608 Ralph Ablanedo Dr	DR to LO	To Grant LO-CO with CO for 2,000 trips	Apvd LO-CO as Commission recommended (2-13-2003).
C14-98-0147 – Carter Zoning Case – 8609-8721 South 1 <sup>st</sup> St	DR to LR for Tract 1 and IP for Tract 2	To Grant LR-CO (Tr. 1) and IP-CO (Tr. 2) with CO limiting height to 40 ft., impervious cover to 70%, 2,000 trips, neighborhood commercial signs (25- 10 of LDC), prohibit service station on Tr. 1, and auto rentals, repair & sales, adult-oriented uses, indoor/outdoor sports & recreation, service station, research services	Apvd LR-CO (Tr. 1), IP-CO (Tr. 2) as Commission recommended (5-13-1999).
C14-96-0005 – Orton Zoning Change – 8601 South 1 <sup>st</sup> St	DR to IP	To Grant IP-CO with CO limiting impervious cover to 70%, height to 40 ft., prohibit auto sales, prohibit access to Swanson Ln., 2,000 trips; Restrictive Covenant limiting hours of operation from 7 a.m. to 9 p.m.	Apvd IP-CO with RC as rec. by PC (6-6-1996).

RELATED CASES:

The property was annexed into the City limits in November 1984. The rezoning area is a portion of Lot A-1, Block “A”, Kay Christian Carter Subdivision, recorded in July 1999 (C8-98-0189.0A).

The property was rezoned from DR, development reserve to IP-CO on October 18, 2012.

The rezoning area is included in an administrative site plan for the expansion of the Applicant’s construction sales and services and limited warehousing and distribution business approved on (SP-2018-0591C – Freedom Park II).

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South 1 <sup>st</sup> Street	73 feet	80 feet	42 feet	Level 3 (Arterial)	No	Yes	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

The rezoning area is 0.81 acres in size, undeveloped and located on the east side of South 1<sup>st</sup> Street. It is part of a lot that contains a pet services use that takes access to South 1<sup>st</sup> Street, and a warehouse building and construction sales and services uses that takes access to Ralph Ablanedo Drive. The property is not located within a small area planning area but is situated along the **South 1<sup>st</sup> Street Activity Corridor** and is a quarter mile from **Southpark Meadows Town Center**. Surrounding land uses include a church and vacant commercial buildings to the north; to the south are light industrial buildings and an auto repair shop; to the east is undeveloped land; and to the west is an insurance office, hair salon, a doggie day care center, and an apartment complex. The proposal is to obtain a commercial zoning designation for a pet services business / kennel.

**Connectivity**

There are two public transit stops located approximately 500 feet from the subject property. A public sidewalk is located on the west side of the South 1<sup>st</sup> Street and partially along the east side. There are no bike lanes located along this portion of South 1<sup>st</sup> Street. Mobility and connectivity options are fair in the area, especially in terms of a lack of nearby civic uses, an incomplete public sidewalks system and no bike lanes.

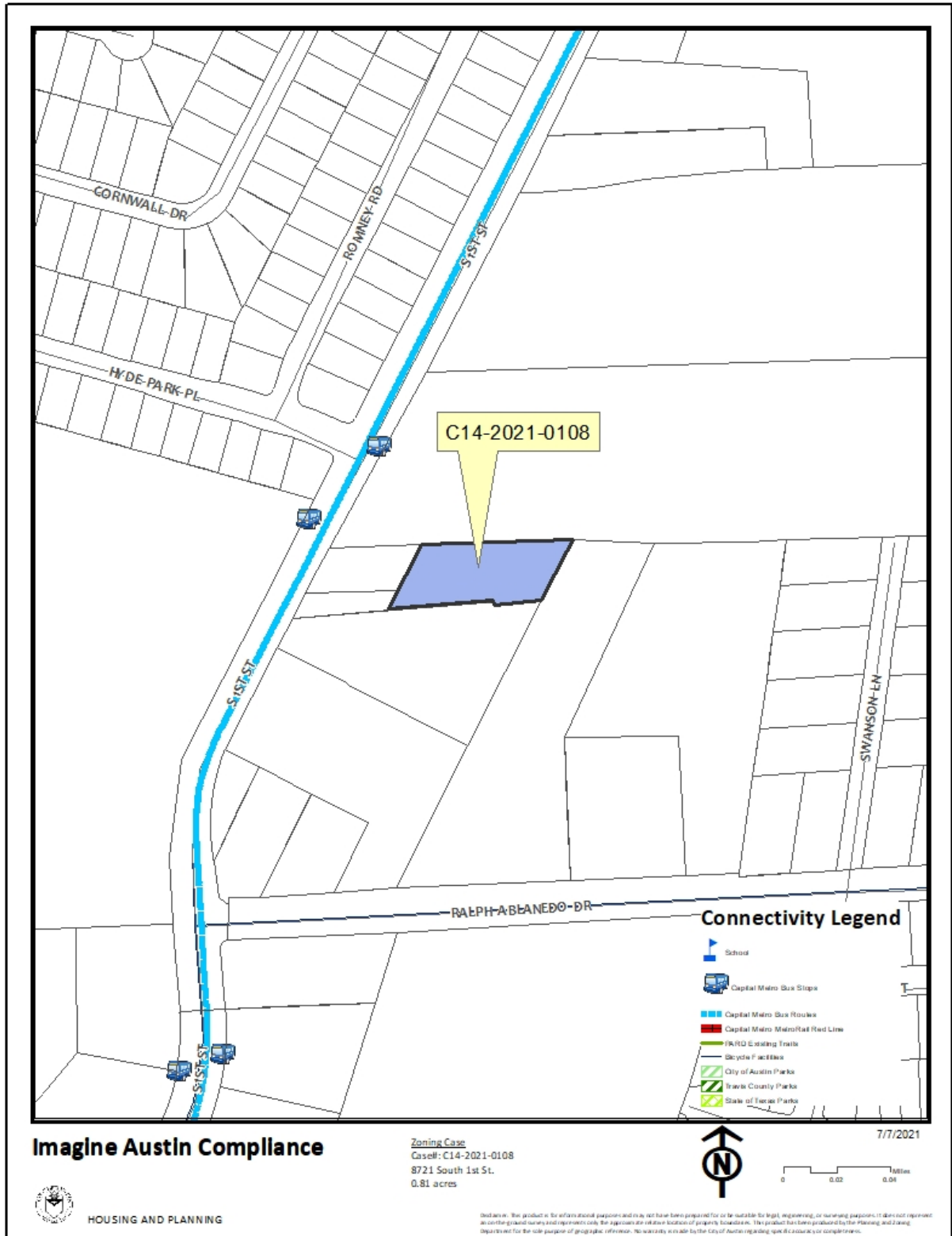
**Imagine Austin**

The property is located along an **Activity Corridor** and near a **Town Center**, both which support a variety of commercial uses. Activity Corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile.

The following Imagine Austin policy is applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, 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.
- **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.

Based on the adjoining commercial and residential uses but only fair mobility and connectivity options in the area (an incomplete public sidewalk system, no bike lanes and no nearby civic uses) this proposal partially supports the policies of the Imagine Austin Comprehensive Plan.



### Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

### 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.

At this time, site specific information is unavailable regarding 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.

### Impervious Cover

Within the suburban portion of the Slaughter Creek watershed, the maximum impervious cover allowed by the *CS zoning district is 80% (90% with transfers)*, which is based on the more restrictive *watershed* regulations. The amount of impervious cover shown on the approved site plan that includes the rezoning area is 47.3 percent.



### PARD – Planning & Design Review

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for CS zoning for pet/office/commercial services, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

### Site Plan and Compatibility Standards

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when a site plan is submitted.

### Transportation

The Austin Strategic Mobility Plan (ASMP) adopted April 11, 2019, calls for 80 feet of right-of-way for South 1<sup>st</sup> Street. Dedication may be required with the next subdivision or consolidated site plan application [LDC 25-6-51 and 25-6-55].

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan/subdivision application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

### Austin Water Utility

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 Austin Water 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.

### INDEX OF EXHIBITS AND CORRESPONDENCE TO FOLLOW:

A: Zoning Map

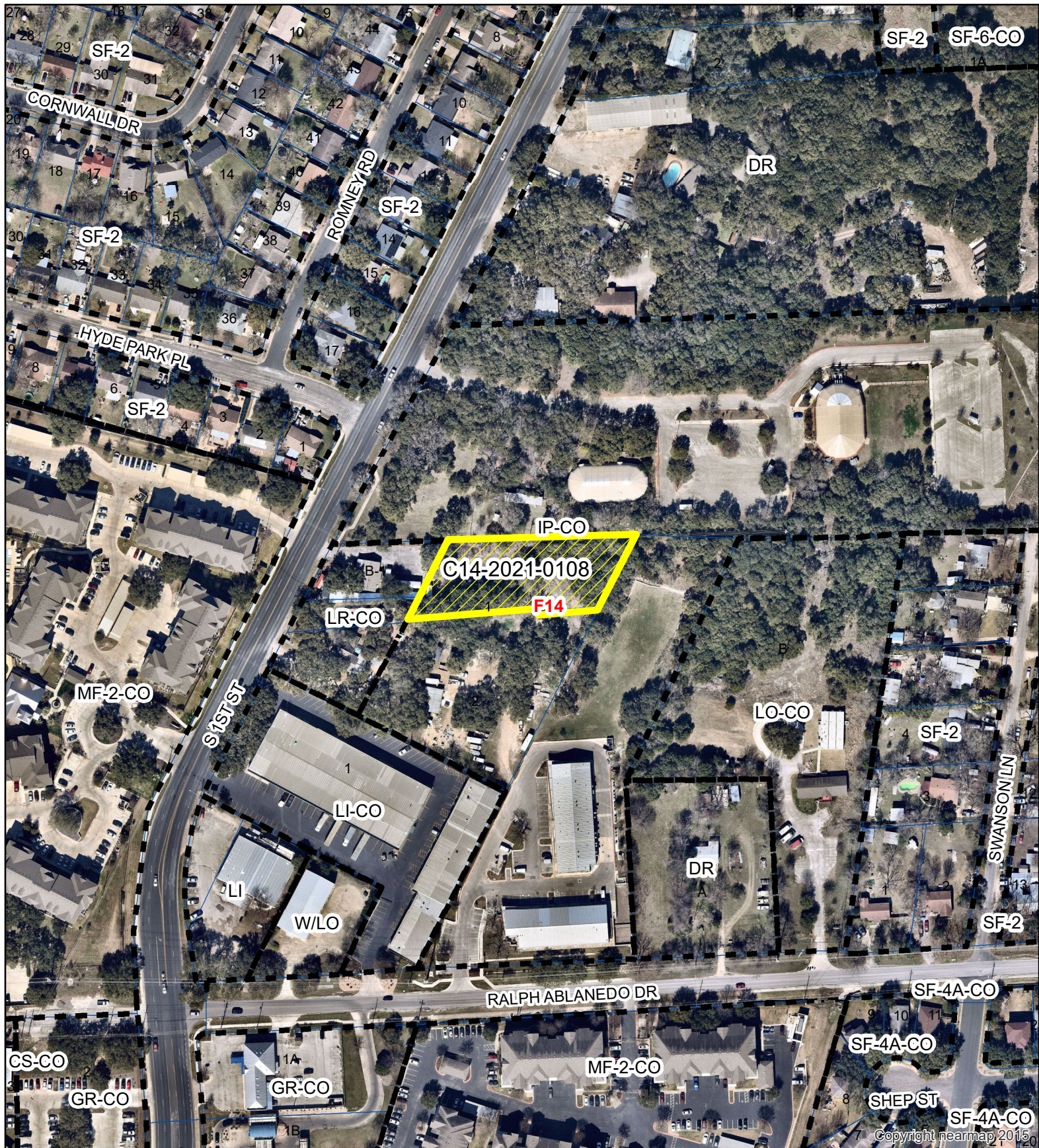
A-1: Aerial Map

Applicant's Summary Letter

Correspondence Received







N



1" = 200'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

8721 S. 1st Street

Exhibit A - 1

ZONING CASE#: C14-2021-0108  
 LOCATION: 8721 South 1st Street  
 SUBJECT AREA: 0.81 Acres  
 GRID: F14  
 MANAGER: Wendy Rhoades



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.





Katherine P. Loayza  
(512) 236-2259 (Direct Dial)  
(512) 691-4412 (Direct Fax)  
kloayza@jw.com

May 14, 2021

Jerry Rusthoven  
Assistant Director  
Zoning and Neighborhood Housing Department  
505 Barton Springs Road  
Austin, Texas 78704

Re: Rezoning application – 8721 S. 1<sup>st</sup> Street -0.81 acres from “IP” Industrial Park to  
“CS” Commercial Services

Dear Jerry:

I am submitting this rezoning application on behalf of Barry and Robin Wurzel, BRW Holdings LLC (the “**Owner**”) who own approximately three (3) acres which are currently zoned “IP” and “LR” for their office, construction sales/service and warehouse businesses.

The 0.81 acres subject to the rezoning is part of an active site plan (SP-2018-0591C) for the expansion of their construction sales and service/limited warehouse and distribution business uses. The area of the proposed rezoning is surrounded on three sides by “IP” zoning and “LR” zoning adjacent to S. 1<sup>st</sup> Street. The property is not within an adopted neighborhood plan.

The purpose of the rezoning is in order to allow pet services and kennel use, in addition to construction sales and service/limited warehouse and distribution uses.

We respectfully request your support of this rezoning request.

Sincerely,

A handwritten signature in black ink that reads 'Katherine P. Loayza' in a cursive script.

Katherine P. Loayza  
Land Use Consultant

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

**Case Number: C14-2021-0108**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: September 7, 2021, Zoning and Platting Commission**

PETER HANSEN

Your Name (please print)

8800 S 1st STREET

Your address(es) affected by this application (optional)

Peter Hansen

Signature

☐ I am in favor  
☒ I object

9/7 2021

Date

Daytime Telephone (Optional):

Comments: Intended commercial and industrial activities is in conflict with residential living - noise traffic volume and pollution

City of Austin

SEP 14 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)