SUBJECT: C14-05-0106.01 - West Congress Neighborhood Plan Rezonings, Tract 2B - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4105-4107 South First Street (West Bouldin Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. First reading approved on September 29, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

REQUESTING DEPARTMENT: Neighborhood Planning and Zoning

DIRECTOR'S AUTHORIZATION: Greg Guernsey
SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0106.01

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known 4105 – 4107 South First Street (West Bouldin Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning.

DEPARTMENT COMMENTS:

The rezoning ordinance reflects the action taken by the City Council at First Reading.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department (Kathleen Welder)

DATE OF FIRST READING: September 29, 2005, approved CS-MU-NP combining district zoning on First Reading (7-0).

CITY COUNCIL HEARING DATE: October 20, 2005

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us
ORDINANCE NO. ______________

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4105-4107 SOUTH 1ST STREET FROM LIMITED OFFICE-NEIGHBORHOOD PLAN (LO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-NEIGHBORHOOD PLAN (CS-MU-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-29.91 of the City Code is amended to change the base district from limited office-neighborhood plan (LO-NP) combining district to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district on the property described in Zoning Case No. C14-05-006.01, on file at the Neighborhood Planning and Zoning Department, as follows:

The north 56 feet of Lot 7 and the north 56 feet of the east 27 feet of Lot 8 and the south 64 feet of Lot 7 and the south 64 feet of the east 27 feet of Lot 8, Block C, Placiden Subdivision a subdivision in the City of Austin, Travis County, Texas, according to the map or plat on record Plat Book 4, Page 244, of the Plat Records of Travis County, Texas (the “Property”),

locally known as 4105-4107 South 1st Streets in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit “A”.

PART 2. The Property is subject to Ordinance No. 20050818-Z003 that established the West Congress neighborhood plan combining district.

PART 3. This ordinance takes effect on ______________, 2005.

PASSED AND APPROVED: 

Will Wynn
Mayor

APPROVED: 

David Allan Smith
City Attorney

ATTEST: 

Shirley A. Brown
City Clerk

Draft: 10/11/2005
**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0106.01  
**P.C. DATE:** September 13, 2005

**ADDRESS:** 4105 – 4107 South First Street

**APPLICANT:** City of Austin  
(Kathleen Welder)

**AGENT:** Neighborhood Planning &  
Zoning Department  
(Wendy Walsh)

<table>
<thead>
<tr>
<th>ZONING FROM</th>
<th>TO</th>
<th>AREA</th>
</tr>
</thead>
</table>
| LO-NP       | CS-MU-NP | 0.217 acres  
(9,452.52 square feet) |

**SUMMARY STAFF RECOMMENDATION:**

The Staff’s recommendation is to grant general commercial services – mixed use – neighborhood plan (CS-MU-NP) combining district zoning.

**PLANNING COMMISSION RECOMMENDATION:**

September 13, 2005: **APPROVED CS-MU-NP DISTRICT ZONING AS STAFF RECOMMENDED; BY CONSENT.**  
[J. M. CORTEZ; D. SULLIVAN – 2ND] (9-0)

**ISSUES:**

None at this time.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of portions of two platted lots, is developed with an office, and is zoned limited office-neighborhood plan (LO-NP) combining district. The property has access to South First Street, an arterial and Normandy Street, a local street. There is a food sales use to the north (CS-MU-NP), single family residences to the east (SF-3-NP), a service station and single family residences to the south (CS-MU-NP; SF-3-NP) and food sales, a shopping center and fire station to the west (CS-MU-NP; P-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), A-2 (Boundaries of the West Congress Neighborhood Planning Area), A-3 (Future Land Use Map of the West Congress Neighborhood Planning Area) and B (Recorded Plat).

The subject property was inadvertently omitted from the rezonings accompanying the West Congress Neighborhood Planning Area. Similarly situated properties located to the north and south were rezoned to general commercial services – mixed use (CS-MU-NP) district with the Plan and designated as Mixed Use on the Future Land Use Map (FLUM). In addition, CS-MU-NP zoning is consistent with the goal of locating mixed – use development and commercial uses along major commercial corridors, and a corresponding objective of
retaining relatively modest scale development along the commercial corridor of South First Street between Ben White Boulevard and St. Elmo Road in order to allow for a variety of local-serving uses. For these reasons, Staff recommends CS-MU-NP district zoning.

**EXISTING ZONING AND LAND USES:**

<table>
<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS-MU-NP</td>
<td>Food sales</td>
</tr>
<tr>
<td>South</td>
<td>CS-MU-NP, SF-3-NP</td>
<td>Service station</td>
</tr>
<tr>
<td>East</td>
<td>SF-3-NP</td>
<td>Single family residences</td>
</tr>
<tr>
<td>West</td>
<td>CS-MU-NP, SF-3-NP</td>
<td>Food sales; Shopping center; Fire station; Single family residences</td>
</tr>
</tbody>
</table>

**NEIGHBORHOOD PLANNING AREA:**
South Congress Combined Neighborhood Planning Area (West Congress)

**TIA:** Is not required

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**
26 – Far South Austin Community Association
300 – Terrell Lane Interceptor Association
428 – Barton Springs / Edwards Aquifer Conservation District
511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association
742 – Austin Independent School District
950 – Southwood Neighborhood Organization

**SCHOOLS:**
St. Elmo Elementary School  Porter Middle School  Travis High School

**CASE HISTORIES:**
Please refer to Related Cases below.

**RELATED CASES:**
The South Congress Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on August 18, 2005 (C14-05-0106).
As shown in Exhibit B, the rezoning area is platted as portions of Lots 7 and 8, Block C of the Placidena Subdivision, recorded in April 1946.

**ABUTTING STREETS:**

<table>
<thead>
<tr>
<th>Name</th>
<th>ROW</th>
<th>Pavement</th>
<th>Classification</th>
<th>Sidewalks</th>
<th>Bus Route</th>
<th>Bike Route</th>
</tr>
</thead>
<tbody>
<tr>
<td>South First Street</td>
<td>90 feet</td>
<td>Varies</td>
<td>Arterial</td>
<td>Yes</td>
<td>Route #10</td>
<td>No</td>
</tr>
<tr>
<td>Normandy</td>
<td>50 feet</td>
<td>30'</td>
<td>Local</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**CITY COUNCIL DATE:** September 29, 2005  
**ACTION:** Approved CS-MU-NP district zoning on First Reading (7-0).

October 20, 2005

**ORDINANCE READINGS:** 1st September 29, 2005  2nd  3rd

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
**PHONE:** 974-7719  
c-mail: wendy.walsh@ci.austin.tx.us
TRAVIS COUNTY PLAT VOLUME 4 PAGE 244

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That J. D. Clarke, sole owner of the
herein described 371 acres of land, being certain lots
9/10 interest herein, a submission of a portion of the land
of the City of Austin, Travis County, Texas, and also
pursuant to the provisions of that certain act or parcel of
land conveyed to the said owner as described in a deed
filed in the Office of the County Clerk of Travis County,
Texas, do hereby adopt this street plan plat or map
of the said tract or parcel of land conveyed to the
said owner as described in a deed filed in the Office of
the County Clerk of Travis County, Texas, do hereby
approve this street plan plat or map or
plan or as far as my interest may appear.

In Witness Whereof, I have hereunto set my hand
this 1/2 day of April, AD 1946.

[Signature]

DAVID W. CLARK

The State of Texas
County of Travis

The State of Texas
County of Travis

The undersigned, the person whose name is subscribed to
this instrument, do hereby certify that the whole
instrument of writing with its certificate of authentication
was filed for record in my office on the 29th day of
April, AD 1946, at 12:00 o'clock A.M., and duly recorded
with the 20th day of April, AD 1946, at 12:00 o'clock A.M.,
and the above instrument of writing with its certificate of
authentication and the same County Court of Travis
County, this date last written above.

[Signature]

DAVID W. CLARK

[Name]

Clerk, County Court, Travis Co., Texas.
SUMMARY STAFF RECOMMENDATION:

The Staff’s recommendation is to grant general commercial services—mixed use—neighborhood plan (CS-MU-NP) combining district zoning.

BACKGROUND

The subject rezoning area consists of portions of two platted lots, is developed with an office, and is zoned limited office-neighborhood plan (LO-NP) combining district. The property has access to South First Street, an arterial and Normandy Street, a local street. There is a food sales use to the north (CS-MU-NP), single family residences to the east (SF-3-NP), a service station and single family residences to the south (CS-MU-NP; SF-3-NP) and food sales, a shopping center and fire station to the west (CS-MU-NP; P-NP).

The subject property was inadvertently omitted from the rezonings accompanying the West Congress Neighborhood Planning Area. Similarly situated properties located to the north and south were rezoned to general commercial services—mixed use (CS-MU-NP) district with the Plan and designated as Mixed Use on the Future Land Use Map (FLUM). In addition, CS-MU-NP zoning is consistent with the goal of locating mixed-use development and commercial uses along major commercial corridors, and a corresponding objective of retaining relatively modest scale development along the commercial corridor of South First Street between Ben White Boulevard and St. Elmo Road in order to allow for a variety of local-serving uses. For these reasons, Staff recommends CS-MU-NP district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

   The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities. The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

   This property accesses South First Street, an arterial roadway, and Normandy Street.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

   The Staff’s basis for recommendation is derived from rezonings approved for similarly situated properties to the north and south, and the goals and objectives for land use as described in the South Congress Combined Neighborhood Plan:
GOAL THREE
Focus mixed-use development and commercial uses along major commercial corridors and in specialized districts.

Objective 3.9
The commercial corridor along South 1st Street between Ben White Boulevard and St. Elmo Road should retain its relatively modest scale and allow for a variety of local-serving uses.

EXISTING CONDITIONS

Site Characteristics
The subject property is developed with an office. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover
The maximum impervious cover allowed by the CS-MU-NP zoning district would be 95% which is based on the more restrictive zoning regulations.

Environmental
The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West 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. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

Transportation
Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.
Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract by tract basis for any proposed land uses as would typically be provided.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

**Water and Wastewater**

The area is currently served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the applicable and associated City fees.

**Compatibility Standards**

Any new development on the site is subject to compatibility standards. Along the east 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.