

**ZONING CHANGE REVIEW SHEET**

C19  
1

**CASE:** C14-2011- 0037 – South 1<sup>st</sup> Retail

**P.C. DATE:** May 24, 2011

**ADDRESS:** 1601 South 1<sup>st</sup> Street

**OWNER/APPLICANT:** Najib F. Wehbe

**AGENT:** Jim Bennett Consulting (Jim Bennett)

**ZONING FROM:** CS-MU-V-CO-NP      **TO:** CS-1-MU-V-CO-NP

**AREA:** 0.30 acres (13,068 ft<sup>2</sup>)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of a footprint zoning for the intended square footage of liquor sales use under CS-1-MU-V-CO-NP (Commercial Services – Liquor Sales – Vertical Mixed Use- Conditional Overlay -Neighborhood Plan) district zoning.

**DEPARTMENT COMMENTS:** This 0.30 acre site is currently developed with several uses, including auto repair, an upholstery shop and retail sales. The applicant seeks to rezone the property for the addition of a liquor sales use. Staff recommends the request on the condition that the applicant define the boundaries of the intended use within the existing structure and provide field notes to the city. The resulting rezoning would be a footprint rezoning only of the current building and not the entire property.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	CS-MU-V-CO-NP	Auto repair, Consumer repair, General retail sales
<i>North</i>	CS-MU-V-CO-NP	Auto Sales
<i>South</i>	CS-MU-V-CO-NP	Office, Restaurant
<i>East</i>	CS-MU-CO-NP, SF-3	Auto Museum
<i>West</i>	CS-MU-V-CO-NP	Funeral Home

**NEIGHBORHOOD PLAN:** Bouldin Creek Neighborhood Plan

**TIA:** Waived

**WATERSHED:** East Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

C19/2

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Neighborhoods Council
- South Central Coalition
- Bouldin Creek Neighborhood Association
- Viewpoint Condominium Homeowners Association
- Crossing Garden Homeowners Association

**CASE HISTORIES**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>COUNCIL</b>
C14-02-0031	CS to CS-MU-CO- NP Bouldin Neighborhood Plan	Approved 3/27/02	Approved 5/23/02

**BASIS FOR RECOMMENDATION**

1. *Zoning should allow for reasonable use of the property.*

The recommended zoning will allow the owner of the existing building to utilize the property for a retail liquor sales use.

2. *Zoning changes should promote a balance of intensities and uses.*

The recommended zoning will promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

**EXISTING CONDITIONS**

**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 a flood plain within the project area.

C19/3

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 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.

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**

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Transportation:**

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

S. 1<sup>st</sup> Street is classified in the Bicycle Plan as Bike Route No. 33.

Capital Metro bus service (Routes No. 10, 110, and 484) is available along S. 1<sup>st</sup> Street.

There are existing sidewalks along both sides of S. 1<sup>st</sup> Street and along the south side of Monroe Street.

**Existing Street Characteristics:**

Name	ROW	Pavement	Classification	ADT
S. 1 <sup>st</sup> Street	Varies	MNR-4	Minor Arterial	24,650
W. Monroe Street	Varies	30'	Local	1,149

C19  
7/4

**Site Plan:**

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.

**CITY COUNCIL DATE:** June 23, 2011

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

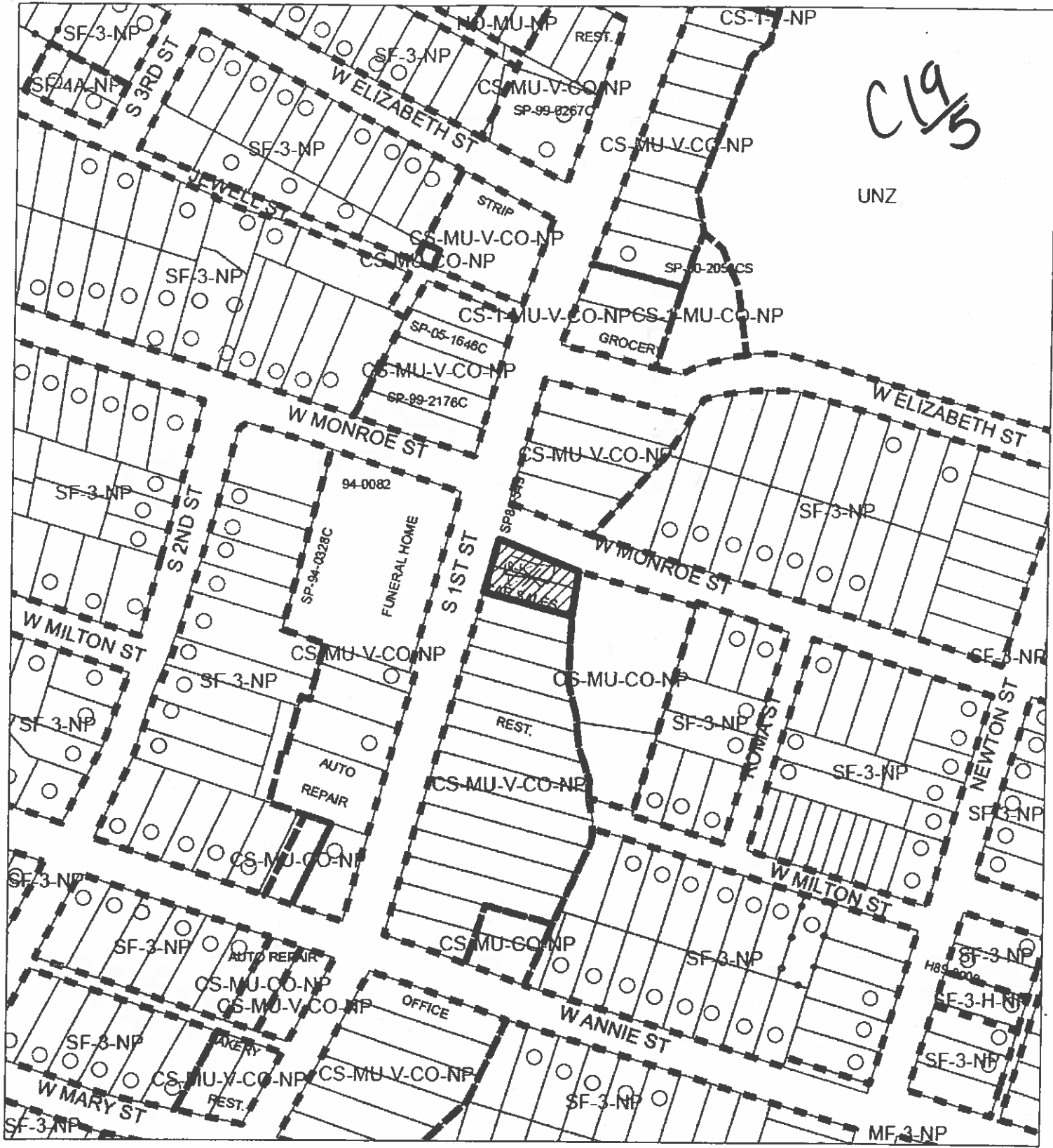
**ORDINANCE NUMBER:**

**CASE MANAGER:** Stephen Rye





**PHONE:** 974-7604  
[stephen.rye@ci.austin.tx.us](mailto:stephen.rye@ci.austin.tx.us)

C19/5

UNZ



### ZONING

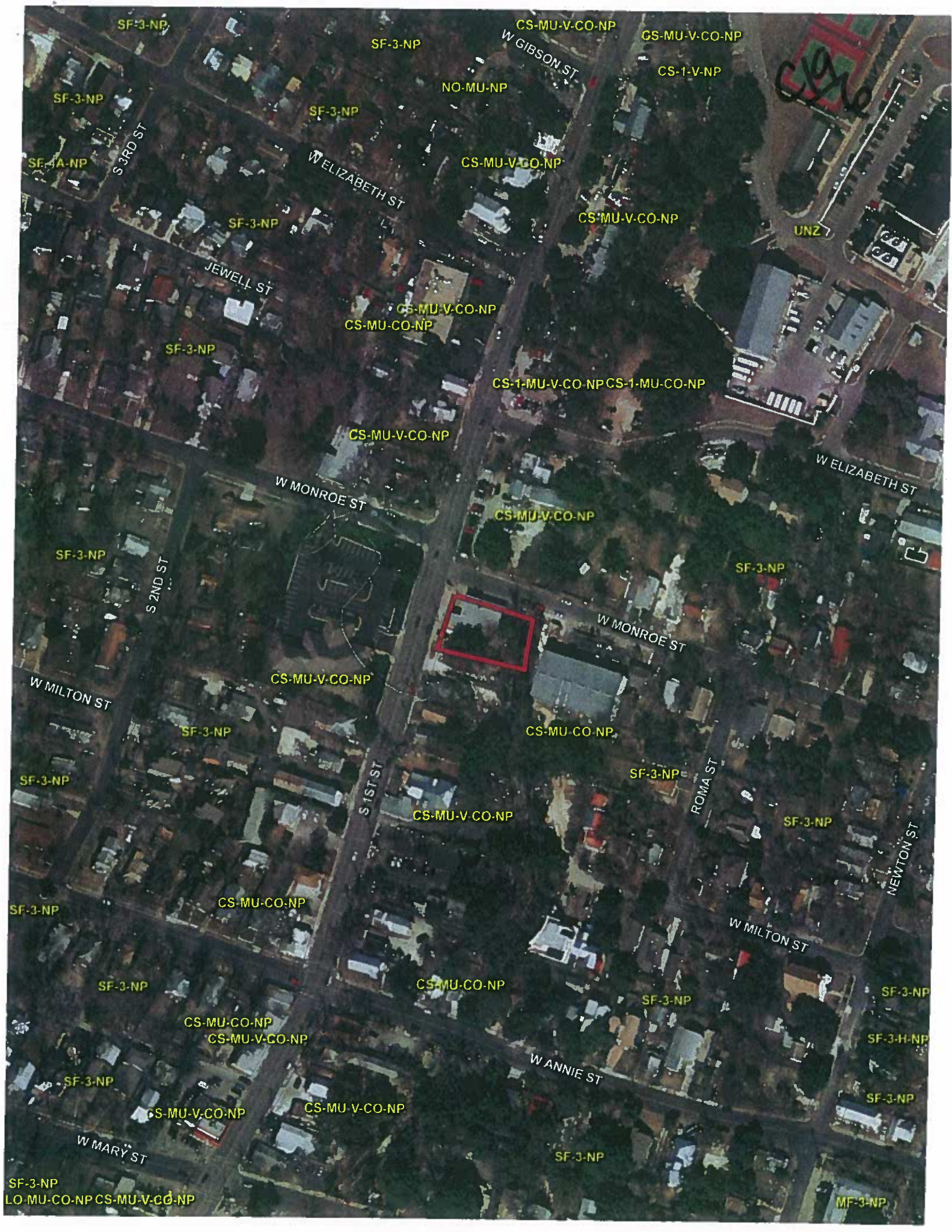
-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2011-0037  
 LOCATION: 1601-1603 S. 1ST ST.  
 SUBJECT AREA: 0.300 AC.  
 GRID: H20  
 MANAGER: S. RYE



1" = 200'

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.



SF-3-NP

CS-MU-V-CO-NP

GS-MU-V-CO-NP

SF-3-NP

NO-MU-NP

CS-1-V-NP

SF-3-NP

SF-3-NP

CS-MU-V-CO-NP

CS-MU-V-CO-NP

UNZ

SF-1A-NP

W ELIZABETH ST

SF-3-NP

JEWELL ST

CS-MU-V-CO-NP

CS-MU-CO-NP

SF-3-NP

CS-1-MU-V-CO-NP CS-1-MU-CO-NP

CS-MU-V-CO-NP

W MONROE ST

CS-MU-V-CO-NP

SF-3-NP

SF-3-NP

S 2ND ST

W MONROE ST

CS-MU-V-CO-NP

W MILTON ST

SF-3-NP

CS-MU CO-NP

SF-3-NP

SF-3-NP

ROMA ST

SF-3-NP

NEWTON ST

SF-3-NP

CS-MU-CO-NP

CS-MU-V CO-NP

W MILTON ST

SF-3-NP

CS-MU-CO-NP

SF-3-NP

SF-3-NP

CS-MU-CO-NP  
CS-MU-V-CO-NP

SF-3-NP

W ANNIE ST

SF-3-NP

SF-3-H-NP

CS-MU-V-CO-NP

CS-MU V-CO-NP

SF-3-NP

W MARY ST

SF-3-NP

SF-3-NP  
LO MU-CO-NP CS-MU-V-CO-NP

MF-3-NP

**Rye, Stephen**

C19  
7

**From:** Bill Ley [redacted@gmail.com]  
**Sent:** Friday, April 29, 2011 10:22 AM  
**To:** Rye, Stephen; Spillar, Rob  
**Subject:** C14-2001-0037

Mr. Rye & Mr. Spillar:

I live within half a block of this, and have not yet received my formal notice. Please send that, and in the meantime register me as an Interested Party.

A traffic impact study should not have been waived. Traffic and Transportation needs to take a very hard look at this. The businesses there now already create a serious (I mean serious) safety problem. Customers have to park on the sidewalk and in the driveway approach. Northbound traffic on south on S. 1<sup>st</sup> travels at 35 – 40 MPH. For westbound vehicles attempting to enter the intersection on Monroe, the parked vehicles obstruct the sightline until northbound vehicles are too close to avoid, even with a "hold your breath" quick right turn to northbound on S. 1<sup>st</sup>. I have had to back up and go eastbound several times. APD is aware of the problem, but if they ticket one day, the problem is back the next. Traffic and Transportation needs to take a hard look at this intersection.

Please put me down as opposing any use that may reasonably be expected to increase the number of parked vehicles unless onsite, owned (permanent, not leased) spaces are provided and a clear sightline south on S. 1<sup>st</sup> is maintained.

*Bill Ley; Realtor, Broker, Lawyer*  
*Why use a Realtor who's just a Realtor?*  
404 W. Monroe St., Austin, TX 78704  
[redacted]

**Rye, Stephen**

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**From:** Rye, Stephen  
**Sent:** Friday, April 29, 2011 10:05 AM  
**To:** [REDACTED]  
**Subject:** RE: C14-2011-0037

C19  
/8

**Attachments:** C14-2011-0037.pdf



C14-2011-0037.pdf  
(125 KB)

Derek,

1) Based on the application, the request for rezoning is for the entire property at 1601-1603 S. 1st, which would include all of the current businesses you listed.

2) Any associated site plan for this case would require adequate parking based on the use of the property set by the Land Development Code. According to TCAD records, the existing building has roughly 3,500 square feet. The City of Austin has a parking requirement of 1 space per 275 square feet for a liquor sales use. This would be an initial requirement of 12.72 spaces. Given that the property is located within the urban core boundaries, a 20% parking reduction would apply for a total requirement of 10.18 spaces. Please note that these are estimates for the current configuration of the property only and not official site plan requirements.

A parking plan is a requirement of the site plan phase which occurs once the proper zoning is in place. If the request is approved, the applicant must meet the parking requirements as defined by the city code in order to receive a certificate of occupancy for the building.

The current zoning application is the first step in the process; which is to determine if the requested zoning change is an appropriate land use decision.

2) The map submitted by the applicant as part of the file showed the incorrect property. However, the zoning map issued by the city in our notifications and the tax plat map provided by the applicant are correct. I have attached the correct map for your information.

3) The 2,000 vehicle trip limit is a threshold set by the city for the requirement of a traffic impact analysis. The applicant has agreed to limit the property to fewer than 2,000 trips per day (as calculated by formulae in the transportation code) in order to waive this requirement. The calculation is based on the zoning of the property and the square footage of the building. These calculations are also a part of the site planning process, but based on the existing structure size it is probable that fewer than 2,000 trips would result from the requested use change.

Please let me know if you need any additional information or clarification.

Thank you,

Stephen Rye  
City of Austin  
Planning and Development Review Department Current Planning Division  
(512) 974-7604  
(512) 974-6054 fax

-----Original Message-----

From: [REDACTED]  
Sent: Thursday, April 28, 2011 10:22 PM  
To: Rye, Stephen



Subject: C14-2011-0037

C19/a

Can you give me some more information about this application?

Im interested in the following questions:

1) Are they converting the whole property to a liquor store? Currently this property has 4 different business, none of which have ample parking. (A "420" store, boot store, clothing store, and an auto body shop.)

1.1) Would the change in use require them to provide adequate parking for their business? If so, where would this be? I didnt see any mention of parking in the zoning change which is concerning. This property already thrusts parking into the neighborhood streets. (milton, roma, monroe, etc)

2) The application online has an error in the plat map that is presented in the documentation for approval of this case, which is mildly disturbing. The location highlighted on the plat map shows a location at south congress and monroe not south first and monroe. Does this invalidate the application? Or can you at least correct the information?

3) How does a business limit the "visits" to their property to 2k/day? Do they shut their doors down when they reach that quota for the day? Seems to me to be impossible to measure once they get the zoning change.

Thanks,  
Derek Urbaniak  
[REDACTED] (cell)

**Rye, Stephen**

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C19  
/10

**From:** Lidia Agraz [mailto:lidia@agrax.com]  
**Sent:** Thursday, April 28, 2011 9:28 PM  
**To:** Rye, Stephen  
**Cc:** Allen Peck  
**Subject:** Project Case Number C14-2011-0037

Hello Stephen,  
We own the single family residence at 1604 S Second Street. We oppose the change in zoning requested by this applicant. Please confirm that you have received our objection.  
Thank you,  
Lidia Agraz and Allen Peck

## Rye, Stephen

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**From:** David Garza [REDACTED]  
**Sent:** Saturday, April 30, 2011 1:18 PM  
**To:** Rye, Stephen; [REDACTED]  
**Subject:** Code number: C14-2011-0037

09/11

**Follow Up Flag:** Follow up  
**Flag Status:** Blue

Mr. Rye:

I am strongly opposed to the application for rezoning of West Monroe and South First St. Not only will establishing a commercial business selling liquor cause a traffic hazard by encouraging illegal parking along an extremely busy thoroughfare (both morning and evening traffic is heavy and fast on S.1st) where existing businesses already blocks clear vision to oncoming cars and trucks, but it will have deleterious effects on the integrity of the neighborhood. Monroe St. already suffers from the over-parking that results from Congress Avenue businesses and events. The street is narrow and parking creates impossible traffic tie-ups. We are frequently plagued with unruly pedestrians who strew beer cans and make loud noises late into the night. The traffic situation is egregiously bad, as is, without the addition of more problems in converting the existing property to use as a liquor store.

Please tell me how I can effectively oppose this measure.

David T. Garza  
401 West Monroe St  
Austin, TX 78704  
[REDACTED]

**Rye, Stephen**

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**From:** Ellen Cabluck. [ecabluck@...m]  
**Sent:** Friday, April 29, 2011 10:44 AM  
**To:** Rye, Stephen  
**Subject:** Re: Email Address

C19  
12

Re: Case number C14-2011-0037

Mr. Rye,

We have become aware of a rezoning application for the above case to change zoning and allow a liquor store at the corner of S. First and Monroe.

We are strongly opposed to that for both safety reasons and general quality of life in our neighborhood. We live at 1808 Eva St. and witness daily issues with streets blocked to normal traffic and sight lines at busy corners being completely obstructed. Heaven help us if an emergency vehicle needed to pass down Monroe when the street was blocked by even more parked cars. Our neighborhood cannot handle the parking as it is and another attraction of that nature would just be the last straw. In addition, there are plenty of places in the neighborhood to purchase alcohol--we do not need another one.

Monroe is a through street between Congress and First and the fire trucks and ambulances use it often.

Please do not allow this rezoning.

Thank you,

Ellen Cabluck

-----Original Message-----

**From:** Rye, Stephen  
**Date:** 4/29/2011 10:34:31 AM  
**To:** [ecabluck@austin.rr.com](mailto:ecabluck@austin.rr.com)  
**Subject:** Email Address

You may reply with to this address. I will include your comments in the official staff report to the Planning Commission and City Council.

5/18/2011

**5/23 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.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number: C14-2011-0037  
 Contact: Stephen Rye, (512) 974-7604  
 Public Hearing: May 24, 2011, Planning Commission  
 June 23, 2011, City Council

512.974.7604  
 ALLEN BECK, Punt Reyes Prop  
 Your Name (please print)

I am in favor  
 I object

1604 S Second St. Austin 78704  
 Your address(es) affected by this application

*[Signature]*  
 Signature  
 May 18 - 2011  
 Date

Daytime Telephone:

Comments: Object to sale of alcohol so close to residential area!

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

City of Austin  
 Planning & Development Review Department  
 Stephen Rye  
 P. O. Box 1088  
 Austin, TX 78767-8810

*ci.austin.tx.us*