

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0157 – Rezoning of 7200,
7202 and 7204 South Congress

Z.A.P. DATE: February 4, 2014

ADDRESS: 7200, 7202 and 7204 South Congress Avenue

OWNER: The Lloyd Earl Hunt Trust
(Lloyd Earl Hunt, Trustee)

AGENT: Texas Design Interests, LLC
(Jeff Shindler, P.E.)

ZONING FROM: LO

TO: LO-MU

AREA: 0.7312 acres
(31,851.07 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general limited office-mixed use (LO-MU) combining district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

February 4, 2014: *APPROVED LO-MU DISTRICT ZONING, AS STAFF RECOMMENDED, BY CONSENT*

[P. SEEGER; C. BANKS – 2ND] (6-0) R. MCDANIEL – ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject three platted lots situated on the west side of South Congress Avenue, south of the Olguin Street right-of-way (which is an unpaved driveway), and is zoned limited office (LO) district. The rezoning area contains two single family residences and one manufactured home. Across the Olguin Street right-of-way there is a convenience storage use and a church (DR; LO), and to the east, across South Congress Avenue there are two apartment developments (LO; MF-3-CO). To the south there are a few residences and outbuildings (DR). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The property was annexed in 1984 and assigned limited office (LO) zoning. Due to the cumulative nature of zoning at that time, LO zoning allowed for residential uses to occur. The Code was changed in 1986 to be non-cumulative, and therefore residential uses were no longer allowed as a primary use. The Applicant proposes limited office – mixed use (LO-MU) district zoning, which would bring the existing single family residences into conformance with the current Code. The manufactured home would remain a legal, but non-conforming use. The MU would also allow for a range of residential uses to be developed, including duplexes, townhouse/condominiums and apartments. South Congress Avenue

contains a mix of residential, civic and commercial uses, and office zoning would be compatible with the established land use character of these streets.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	One manufactured home; Two single family residences
<i>North</i>	DR	Olguin Street – not on the ground; Convenience storage; Church
<i>South</i>	DR	A few residences and outbuildings
<i>East</i>	LO; MF-3-CO	Apartments
<i>West</i>	DR	Undeveloped

AREA STUDY: N/A

TIA: Is not required

WATERSHED: South Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association
 646 – Circle S. Ridge Neighborhood Association
 742 – Austin Independent School District
 1037 – Homeless Neighborhood Organization 1075 – Bike Austin
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1228 – Sierra Club, Austin Regional Group 1224 – Austin Monorail Project
 1236 – The Real Estate Council of Austin, Inc. 1340 – Austin Heritage Tree Foundation
 1363 – SEL Texas 1429 – Go!Austin/Vamos!Austin (GAVA) – 78745

SCHOOLS:

Williams Elementary School

Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0179 – Bethania Rezoning – 7110 S Congress Ave.	DR to LO	To Grant	Apvd. LO (02-28-2002)
C14-99-2065 – John Lewis Tract – 7201- 7401 S Congress Ave.	SF-3 to MF-3	To Grant MF-2-CO w/CO for 2,000 trips/day	Apvd. MF-3-CO w/CO for 23 u.p.a., 2,000 trips and prohibit vehicular access to Circle S Rd (8-17-2000).

C14-96-0057 – Goel Zoning Change – 7310 S Congress Ave.	DR to MF-2	To Grant MF-2 for Tract 1 & SF-6 for Tract 2, with conditions	Apvd. MF-2-CO for Tract 1 and SF-6-CO for Tract 2, w/CO which requires access to S Congress Ave; 25' undisturbed buffer on west property line; limit Tract 2 to two single family dwelling units; and multi-family development limited to 18 units per acre on Tract 1 (09-26-1996).
C14-84-456 – Joyce & Issam Kussad – 7400-7406 S Congress Ave.	I-RR to GR	To Grant	Apvd. GR (04-11-1985).

RELATED CASES:

The property was annexed into the full-purpose City limits on November 15, 1984 (C7a-83-017 A – Ordinance No. 841115-L).

The rezoning area is an undeveloped area platted as Lots 1, 2 and 3, South Congress Subdivision, recorded in 1968 (C8s-68-020). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
South Congress Avenue Loop 275	Varies	MAU-2	Major Arterial	10,000

- S. Congress/Loop 275 is classified in the Bicycle Plan as Bike Route No. 47.
- Capital Metro bus service (Routes No. 201 and 1L) is available along S. Congress/Loop 275.
- There are existing sidewalks along S. Congress/Loop 275.

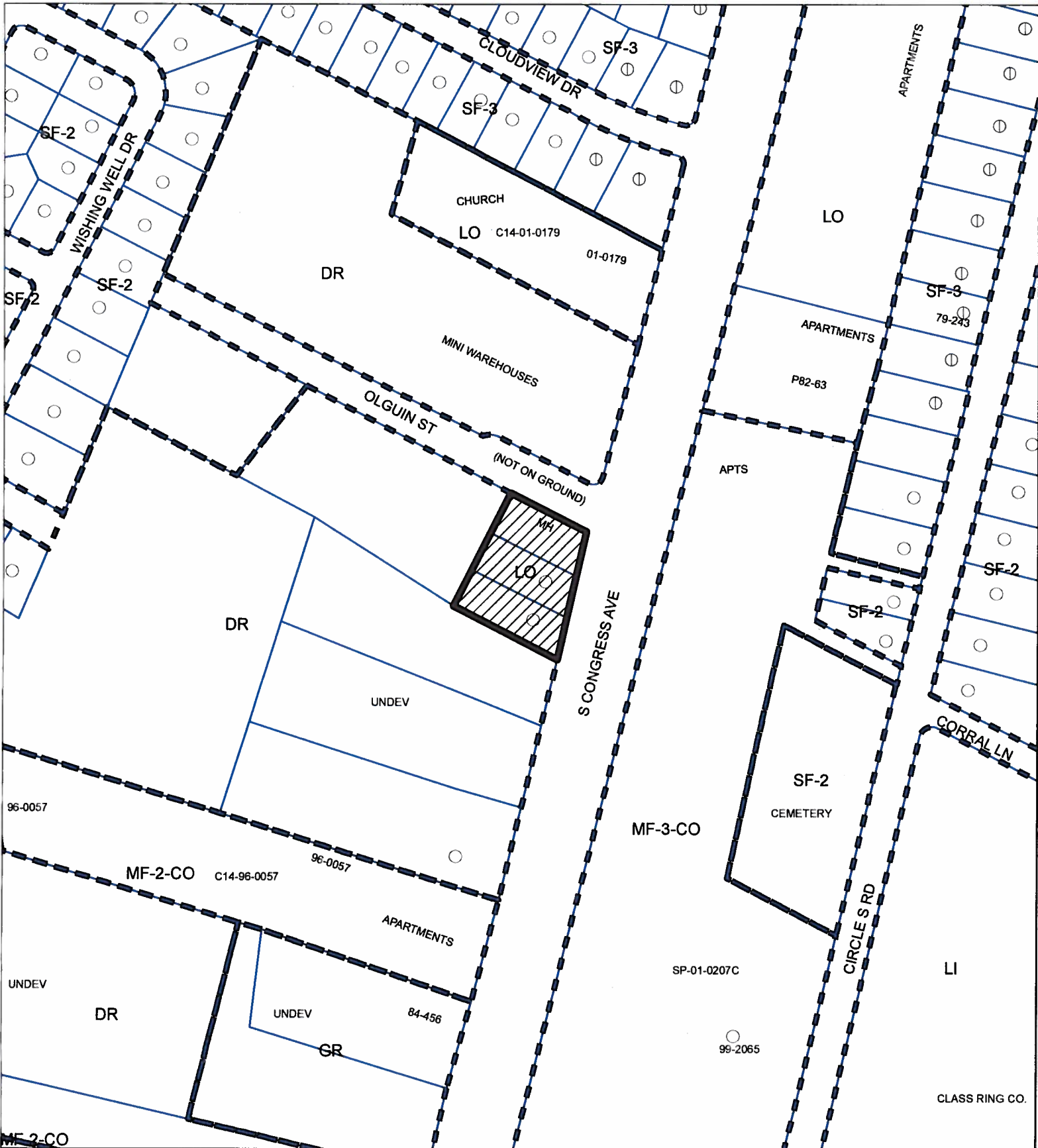
CITY COUNCIL DATE: February 27, 2014 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd




ORDINANCE NUMBER:

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

PHONE: 512-974-7719



1" = 200'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2013-0157

Exhibit A

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.



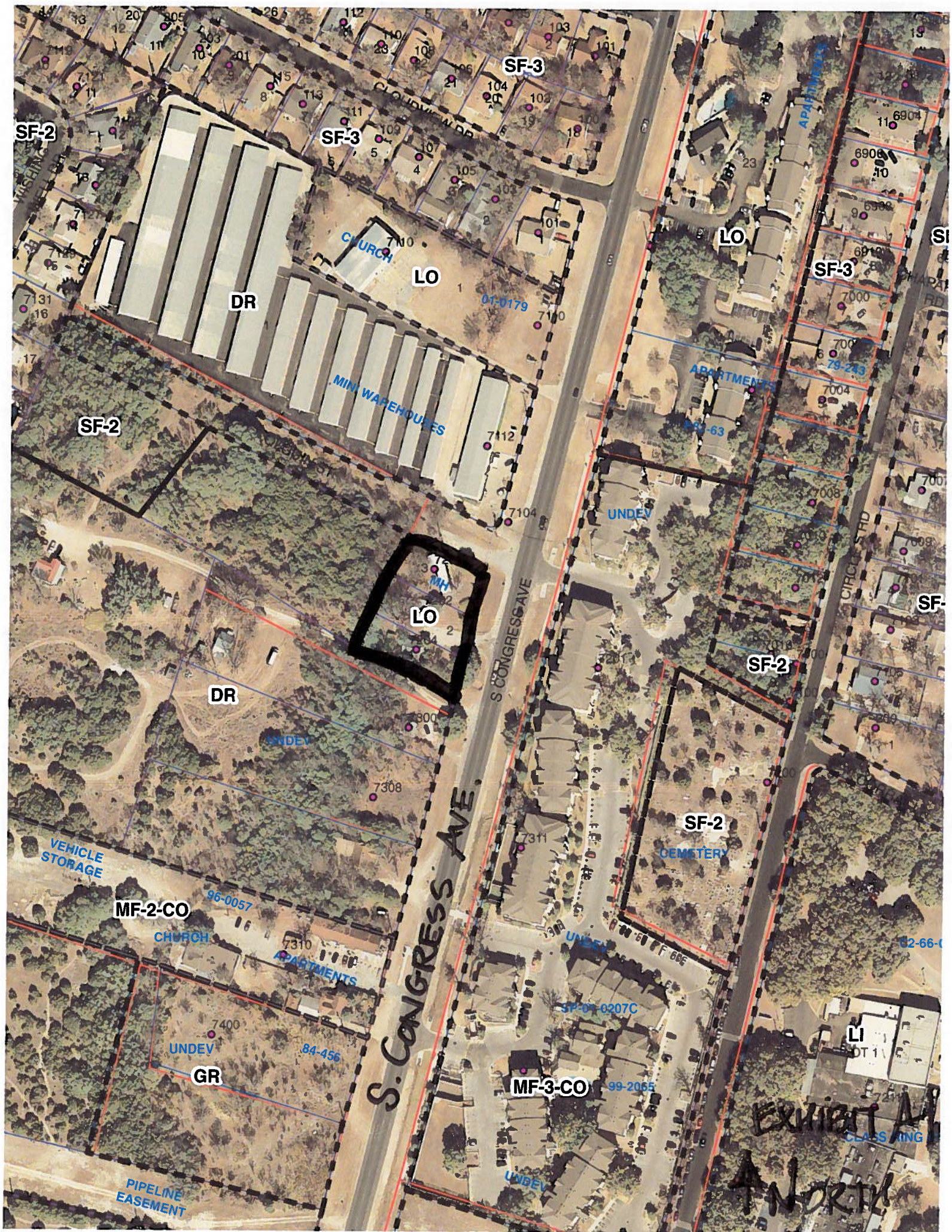
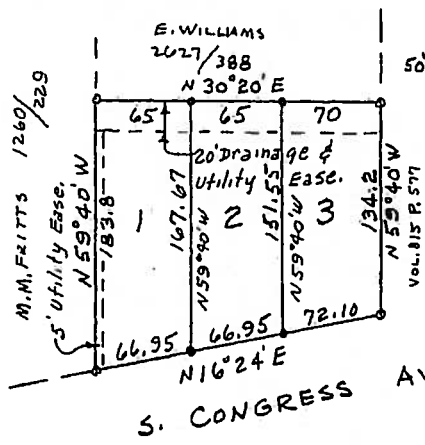


EXHIBIT A
NORTH

May 6-68 RCHA 1427 # 4.50



SCALE: 1" = 100'
o = 1/2" FND.
• = 1/2" SET

SOUTH CONGRESS. SUBDIVISION

APPROVED FOR ACCEPTANCE: April 30, 1968

Walter M. Brown
Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS on the 30th day of April, A. D. 1968.

Charles Jackson Chairman
Herbert Brown Secretary

SURVEYED 1-22-68
BY: James J. Watson
REG. SURVEYOR

STATE OF TEXAS:

COUNTY OF TRAVIS: Know All Men By These Presents:

That I, E. L. Caruthers, owner of that certain tract of land out of the William Cannon League, Travis County, Texas, by virtue of the deed recorded in Vol. 813, page 451, Travis County Deed Records, do hereby adopt this plat as my subdivision to be known as "SOUTH CONGRESS. SUBDIVISION", and do hereby dedicate to the public all streets and easements shown hereon.

Witness My Hand this the 30th day of January, A. D. 1968.

E. L. Caruthers
E. L. Caruthers

STATE OF TEXAS:

COUNTY OF TRAVIS: Before me, the undersigned authority, on this day personally appeared E. L. Caruthers, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given Under My Hand and Seal of Office this the 30th day of January, A.D. 1968.



Dorothy Doherty
Notary Public, Travis County, Texas

"In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares delineated and shown on this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares, or in connection therewith, shall be the responsibility of the owner and-or the developer of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and said Court assumes no obligations to build the streets, roads, and other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith."

STATE OF TEXAS:

COUNTY OF TRAVIS: I, Miss Emilie Limberg, County Clerk of Travis County, Texas do hereby certify that on the 6 day of May, A.D. 1968 the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book 3 page 366.

Miss Emilie Limberg, County Clerk, Travis County, Texas
By: M. Ephraim Deputy

FILED FOR RECORD at 10:30 o'clock A.M. this the 6 day of May, A.D. 1968.

Miss Emilie Limberg, County Clerk, Travis County, Texas
By: Freida Wacker Deputy

STATE OF TEXAS:

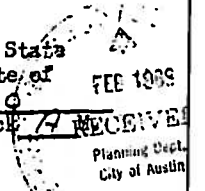
COUNTY OF TRAVIS: I, Miss Emilie Limberg, Clerk of the County Court within and for the County and State aforesaid do hereby certify that the within and foregoing instrument of writing with its certificate of Authentication was filed for record in my office on the 6 day of May, A.D. 1968 at 10:30 o'clock A.M. and duly recorded on the 6 day of May, A.D. 1968 at 10:32 o'clock A.M. in the Plat Records of said County in Book 40 Page 131.

Witness My Hand and Seal of the County Court of said County, the date last written above.

Miss Emilie Limberg, Clerk County Court, Travis County, Texas
By: Freida Wacker Deputy

SEPTIC TANK NOTE:

Each house constructed in this subdivision shall be connected to a septic tank with a capacity of not less than 500 gal. and with drain field of not less than 150 ft., and shall be installed in accordance with the regulations of the city-county health officer and shall be inspected and approved by such officer. This restriction is enforceable by the City of Austin-Travis County Health Unit and-or the subdivider.



RECORDED PLAT

C85-68-20

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general limited office-mixed use (LO-MU) combining 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 limited office (LO) district is a designation for offices and selected commercial uses predominantly serving neighborhood or community needs, and is located in or adjacent to residential neighborhoods. 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 an orderly and compatible relationship among land uses.*

South Congress Avenue contains a mix of residential, civic and commercial uses, and office zoning would be compatible with the established land use character of these streets.

EXISTING CONDITIONS**Site Characteristics**

The subject property is developed with a manufactured home and two single family residences. The site is flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the LO zoning district would be 70%, which is based on the more restrictive zoning regulations.

Comprehensive Planning

This zoning case is located on the southwest corner of S. Congress Avenue and Olguin Street right-of-way. The three subject properties contain two houses and a mobile home. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses include a large self-storage facility to the north on Olguin Street, a house to the south, a large apartment complex to the east on S. Congress Avenue, and vacant land and a house to the west. The request is to utilize the subject property for an office/mixed use project.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this portion of Congress Avenue as being located along an **Activity Corridor**. 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.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based upon this property: (1) being located along an Activity Corridor as identified by Imagine Austin; and (2) the Imagine Austin policies above that supports infill and mixed use along activity corridors, staff believes that this mixed use project is supported by the Imagine Austin Comprehensive Plan.

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.

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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

Transportation

No additional right-of-way is needed 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]

Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

Water and 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. 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.

Site Plan and Compatibility Standards

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

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

The minimum site area standards for dwelling units are as follows for LO-MU zoning:

- 1,600 sq. ft. of site area for each efficiency dwelling unit
- 2,000 sq. ft. of site area for each one bedroom dwelling unit
- 2,400 sq. ft. of site area for each two or more bedroom dwelling unit.

5% of the Gross Site Area must be reserved for open space. Private personal open space if less than 10 units are proposed, or private common open space is 10 or more units are proposed.

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

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: C14-2013-0157

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: February 4, 2014, Zoning and Platting Commission
February 27, 2014, City Council

7204 S. Congress Avenue

Your Name (please print)

Karen Wold

☐ I am in favor
☒ I object

Your address(es) affected by this application

~~7204 S. Congress Avenue~~ 7204 S. Congress Avenue

Signature

1/27/14

Date

Daytime Telephone: (512) 945-4447

Comments: I don't want to move again -

my rent is reasonable I am on a fixed income (Retired). Can't afford to move if my landlord, Mr. Earl Hunt (the Petitioner), decides to go Commercial on this property. I'm sure the other (2) connecting pieces of property Renters can't afford to move either, it's really hard to find a decent place in Austin that folks can afford. I don't like apartment living. Thank You K. Wold

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0157

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: February 4, 2014, Zoning and Platting Commission

February 27, 2014, City Council

Lilly P. Mooreis

Your Name (please print)

7201 South Congress Ave #617

Your address(es) affected by this application

Lilly P. Mooreis

Signature

1-28-2014

Date

Daytime Telephone: (512) 992-1553

Comments: I've lived at 7201 South Congress for 4 years and I'm not with whatever plans on zoning, buildings as you mentioned. But the only problem I see is traffic only 2 lanes, people have driven over curbs. Aggressive drivers I've reported. Dittmar will soon open causing more traffic. There should be a traffic light there. Back-up traffic mornings + afternoons at night not enough street lights. People run across S. Congress hard to see. If the zoning, buildings pass I hope this will get attention for fixing the traffic problem. I think Lilly Mooreis

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

* More Buildings more traffic