

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2013-0118 – Cooper Commercial

REQUEST:

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7200 Cooper Lane (South Boggy Creek Watershed) from single family residence – standard lot (SF-2) district zoning to community commercial – conditional overlay (GR-CO) combining district zoning, with conditions. The Conditional Overlay allows for food preparation use and all permitted neighborhood commercial (LR) uses except for off-site accessory parking and service station uses. The requirement outlined in the Restrictive Covenant is for development that is consistent with the conditions of the Neighborhood Traffic Analysis.

DEPARTMENT COMMENTS:

The ordinance and restrictive covenant are consistent with City Council action taken on First Reading.

The Applicant is discussing the construction of an 8-foot tall privacy fence with the adjoining property owner to the west.

OWNER/APPLICANT: 38 ½ Street L.C. (Guy Oliver)

AGENT: Husch Blackwell, LLP (Nikelle Meade)

DATE OF FIRST READING: August 28, 2014, Approved GR-CO district zoning, with conditions, on First Reading (7-0). Note: Public Hearing remains open.

CITY COUNCIL HEARING DATE: September 25, 2014

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

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

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0118 – Cooper Commercial

**Z.A.P. DATE:** March 18, 2014

May 6, 2014

June 3, 2014

July 15, 2014

August 5, 2014

August 19, 2014

**ADDRESS:** 7200 Cooper Lane

**OWNER:** 38 ½ Street LC (Guy Oliver)

**AGENT:** Husch Blackwell, LLP  
(Nikelle Meade)

**ZONING FROM:** SF-2

**TO:** GR

**AREA:** 0.3306 acres  
(14,400 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay allows for food preparation use and all permitted neighborhood commercial (LR) uses except for service station, and makes drive-through services as an accessory use, a conditional use.

If the requested zoning is recommended for this site, then Staff recommends a Restrictive Covenant to include all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated December 5, 2013, as provided in Attachment A.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

March 18, 2014: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO MAY 6, 2014*

*[R. MCDANIEL; C. BANKS – 2ND] (5-0) G. ROJAS; S. COMPTON – ABSENT*

May 6, 2014: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF AND APPLICANT TO JUNE 3, 2014*

*[G. ROJAS; R. MCDANIEL – 2<sup>ND</sup>] (7-0)*

June 3, 2014: *APPROVED A POSTPONEMENT REQUEST BY STAFF AND APPLICANT TO JULY 15, 2014; NOTE: NEXT MEETINGS WILL BE HELD AT THE ONE TEXAS CENTER, 505 BARTON SPRINGS ROAD, 3<sup>RD</sup> FLOOR*

*[G. ROJAS; R. MCDANIEL – 2ND] (7-0)*

July 15, 2014: *APPROVED A POSTPONEMENT REQUEST BY STAFF AND APPLICANT TO AUGUST 5, 2014*

*[P. SEEGER; R. MCDANIEL – 2<sup>ND</sup>] (5-0) C. BANKS; S. COMPTON – ABSENT*

August 5, 2014: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO AUGUST 19, 2014*

*[G. ROJAS; S. COMPTON – 2<sup>ND</sup>] (5-0) C. BANKS; R. MCDANIEL – ABSENT*

August 19, 2014: *APPROVED GR-CO DISTRICT ZONING, WITH CONDITIONS OF THE NEIGHBORHOOD TRAFFIC ANALYSIS, AS STAFF RECOMMENDED, WITH AN ADDITIONAL CONDITIONAL OVERLAY TO PROHIBIT OFF-SITE ACCESSORY PARKING*

*[R. MCDANIEL; S. COMPTON – 2ND] (5-0) C. BANKS; G. ROJAS - ABSENT*

### **ISSUES:**

The Applicant is in agreement with the Staff and Zoning and Platting Commission recommendations. The Applicant is discussing the construction of an 8-foot tall privacy fence with the adjoining property owner to the west.

### **DEPARTMENT COMMENTS:**

The subject rezoning area is situated at the southwest corner of Matthews Lane and Cooper Lane, a “T” intersection that is configured with two medians and permits right and left turns onto Cooper Lane. The property is zoned single family residence – standard lot (SF-2) district and has been used for commercial purposes prior to its annexation into the City limits in November 1984. This property as well as adjacent lots to the west and south is designated “For Commercial Use” on the plat recorded in 1964. It was formerly used as a convenience store (a food sales use) and was most recently used as a food preparation business (Rosita’s Tamale Factory) with a surrounding parking area. There are single family residences across Matthews Lane to the north, along both sides of Cooper Lane to the east and south, and to the west (SF-2; SF-3). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone the property to the community commercial (GR) district so that it may be redeveloped with the following uses: food preparation (this use would be retained and is first allowed as a conditional use in GR), automotive washing (first allowed in GR), service station and food sales (first allowed in the neighborhood commercial (LR) district). Driveway access to the site is proposed to both Matthews and Cooper Lanes, and a Neighborhood Traffic Analysis has been performed and is included as Attachment A.

Staff recognizes that that the property is located at the intersection of two residential collector streets, is intended for commercial purposes by the plat, and has been used for food sales and food preparation purposes for any years. However, the GR zoning district sought by the Applicant allows for land uses and development standards that are incompatible with the residential character of the surrounding area. To that end, Staff recommends uses that could serve residents of the adjacent subdivisions, as well as capture “pass by” traffic from the nearby residential developments, including food preparation as the only GR use, and all

neighborhood commercial (LR) uses except for service station, and establish drive-through services (an accessory use) a conditional use.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2	Food preparation (vacant) and parking area
<i>North</i>	SF-3	Single family residences
<i>South</i>	SF-2; SF-3; DR	Single family residences
<i>East</i>	SF-2	Single family residences
<i>West</i>	SF-2	Single family residences; Child care facility

**AREA STUDY:** N/A

**NTA:** Is required – Please refer to Attachment A

**WATERSHED:** South Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 627 – Onion Creek Homeowners Association  
 1037 – Homeless Neighborhood Association  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project  
 1236 – The Real Estate Council of Austin, Inc.  
 1363 – SEL Texas  
 1429 – Go!Austin!/Vamos!Austin (GAVA)-78745  
 511 – Austin Neighborhoods Council  
 742 – Austin Independent School District  
 1075 – Bike Austin  
 1228 – Sierra Club, Austin Regional Group  
 1340 – Austin Heritage Tree Foundation  
 1424 – Preservation Austin

**SCHOOLS:**

Williams Elementary School

Bedichek Middle School

Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2014-0052 – Cooper Lane Rezoning – 7405, 7409 and 7415 Cooper Ln	SF-2 to SF-6-CO, as amended	To Grant SF-6-CO w/CO for max. 65 units, 25' vegetative buffer along the north property line, restrict uses to single family, townhomes and condominiums, and the	Apvd SF-6-CO w/CO for a max. 2 stories, 65 units; a 25' vegetative buffer along the north property line; and prohibit vehicular access to Sir Gawain except for emergency

		conds of the NTA, plus add'l conds of full access to Sir Gawain, sidewalks to Sir Gawain and Cooper, stub-out to property to south between Lots 43 and 54 (see concept plan), traffic calming device installed on private street in proximity to Sir Gawain and secondary entrance/exit on Cooper	vehicles, and a Restrictive Covenant: 1) require an 8' fence abutting residential development along the north property line; 2) the conds of the NTA, 3) require ped, bike and emergency access between Sir Gawain and the southern property line, and 4) require an Integrated Pest Management Plan, on 1st Rdg. <u>Note:</u> The Applicant has also committed to contribute approx \$25,000 to the City's sidewalk fund. 2 <sup>nd</sup> /3 <sup>rd</sup> Rdgs scheduled for 8-28-2014.
C14-2013-0082 – Ellis Oaks – 7208 Cooper Ln	DR to SF-3	To Grant	Apvd (9-26-2013).
C14-00-2171 – 1003 Matthews Ln	DR to SF-2, as amended	To Grant SF-2	Apvd SF-2 (11-2-2000).
C14-96-0078 – Mueller Zoning Change – 7409 Cooper Ln	DR to SF-2	To Grant	Apvd SF-2 (8-8-1996).

**RELATED CASES:**

The subject property was annexed into the City limits on November 15, 1984 (C7A-83-017 A, Ordinance Number 84115-L).

The property is platted as the north 10 feet of Lot 10 and Lot 11, Cogbill Subdivision, recorded in August 1964 (C8-64-020). Please refer to Exhibit B.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Cooper Lane	60 feet	27 feet	Residential Collector	3,535 (2013)
Matthews Lane	Varies (60 – 120 feet)	Varies (27 – 55 feet)	Residential Collector	2,658 (2013)

There no sidewalks on Matthews Lane or Cooper Lane.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or are recommended along the adjoining streets as follows: Cooper Lane serves route no. 82 with an existing and recommended Shared Lane. Matthews Lane also serves route no. 82 with an existing and recommended Wide Curb.

Capital Metro bus service is not available within 1/4 mile of this property.

**CITY COUNCIL DATE:** May 1, 2014

**ACTION:** Approved a Postponement request by the Staff to June 12, 2014 (7-0).

June 12, 2014

Approved a Postponement request by Staff to August 7, 2014 (7-0). Note: Council Meeting will be held at 700 Lavaca St., Commissioners Court Chambers.

August 7, 2014

Approved a Postponement request by Staff to August 28, 2014 (7-0).

August 28, 2014

Approved GR-CO district zoning with conditions of a Restrictive Covenant for the Neighborhood Traffic Analysis, as recommended by the Zoning and Platting Commission meeting, on First Reading (7-0). Note: Public Hearing remains open.

September 25, 2014

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 512-974-7719



N



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

ZONING

Exhibit A

ZONING CASE#: C14-2013-0118

1" = 200'

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.

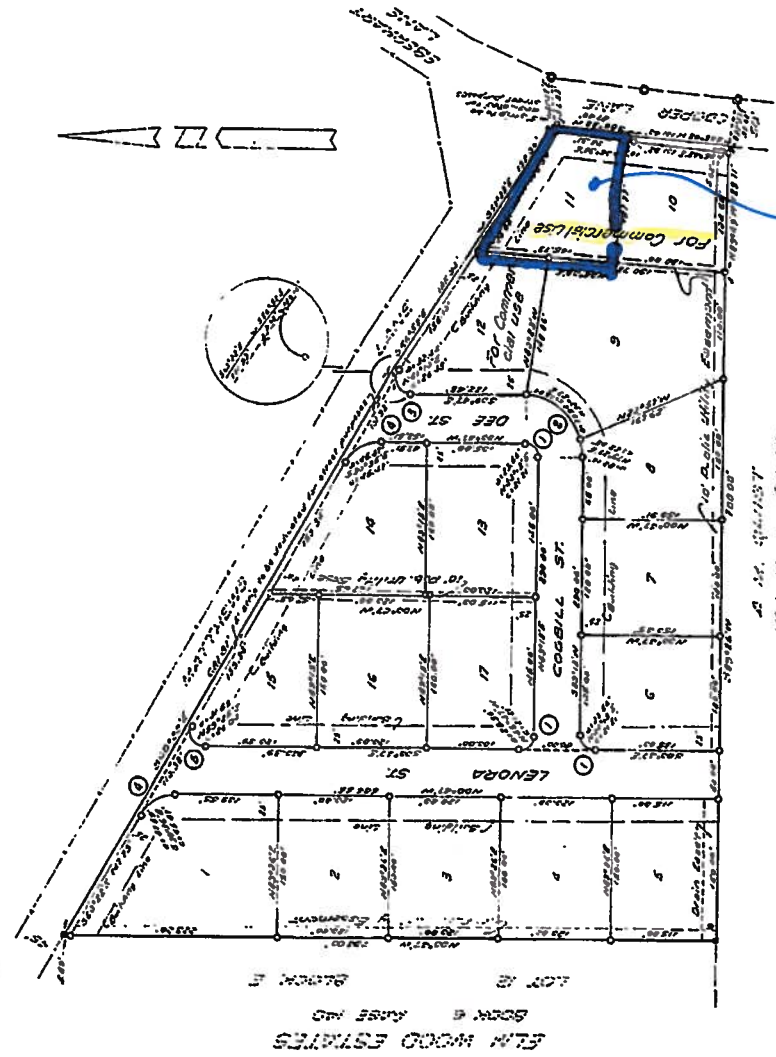
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.











CURVE DATA		DATA	
①	②	③	④
4	90°00'	129°55'	59°35'
5	15°00'	15.00'	120°25'
6	15°00'	28.16'	15.00'
7	21.21'	26.48'	26.20'
8	23.05'	102.10'	26.04'
9			31.53'

LEGEND  
Iron Pin Found  
Iron Pin Set  
Cone Monument Found  
Cone Monument Set  
Scale: 1"=100'

# COGBILL SUBDIVISION

EXHIBIT B  
RECORDED PLAT

This is to certify that Austin City  
Map, Chapter 23, 27, of 1956, has  
been compared with

B. J. Priest July 12, 1964  
B. J. Priest  
Reg. Public Surveyor

In addition to the documents shown  
on this plat, the plat is a subdivision and  
has been filed for public utilities.

STATE OF TEXAS:  
COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS -  
That we, J.E. Cogbill and wife, Marjorie Margaret Cogbill, owners of the tract of  
land shown herein and of the William Cannon League in Travis County, Texas, come being  
in Volume 168 of Book 10 of the Public Records of Travis County, Texas, and being  
subdivision 880 acres of said tract in accordance with the order of the County  
Commissioners of Travis County, Texas, to be known as COGBILL SUBDIVISION, and do hereby declare to the  
public use the streets and easements shown herein, subject to any easements  
or restrictions heretofore granted.

WITNESS our hands this 12th day of July, A.D. 1964.  
J.E. Cogbill  
Marjorie Margaret Cogbill

STATE OF TEXAS:  
COUNTY OF TRAVIS:  
Before me, the undersigned authority, on this day personally appeared J.E. Cogbill  
and wife, Marjorie Margaret Cogbill, known to me to be the persons whose names are  
subscribed to the foregoing instrument, and acknowledged to me that each had  
executed the same for the purposes and consideration therein expressed, and the  
said Marjorie Margaret Cogbill, having been examined by me privately and apart  
from her husband, she, the said Marjorie Margaret Cogbill, declared that she had  
willingly signed the same and did not wish to retract it.

WITNESS my hand and seal of office this 19 day of JULY, A.D. 1964.  
M. K. [Signature]  
Notary Public in and for  
Travis County, Texas

Each house in this subdivision shall be connected to a public sewer with a capacity  
of not less than 500 gallons and with a drain pipe of at least 180 inches in  
diameter and shall be of an approved design. This restriction shall be enforceable by the  
subdivider and/or the City-County Health Department.

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 thorough-  
fares shall be and shall remain on this plat, and all bridges and culverts  
thereon shall be and shall remain on this plat, and all easements and rights of way  
herein shown or in connection therewith shall be and shall remain on this plat.  
The owner and/or the developer of the tract of land covered by this plat  
in accordance with plans and specifications presented by the Commission-  
ers Court of Travis County, Texas, and the Commissioners Court of Travis  
County, Texas, assumes no obligation 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 Emily Limberg, Clerk of Travis County, Texas, do hereby certify  
that on this 12th day of July, A.D. 1964, 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 at Page 356.

WITNESS my hand and seal of office this 12 day of July, A.D. 1964  
Miss Emily Limberg, Clerk, County Court, Travis County, Texas (S.M.)  
By: [Signature]  
Deputy

APPROVED FOR ACCEPTANCE:  
[Signature]  
By: [Signature] Director of Planning  
Aug 2 1964

ACCEPTED AND AUTHORIZED FOR RECORD:  
By: [Signature] Mayor, City of Austin, Texas.  
[Signature] Attest: A.D. 1964  
Chairman

FILED FOR RECORD this 12 day of July, A.D. 1964.  
Miss Emily Limberg, Clerk, County Court, Travis County, Texas.

By: [Signature] Deputy

STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, Miss Emily Limberg, Clerk of the County Court within and for the county  
of Travis County, Texas, do hereby certify that the within and foregoing  
plat, containing with its exhibits of subdivision was filed  
for record in my office on the 12 day of July, A.D. 1964, at 10:30  
o'clock A.M. and duly recorded at the City of Austin, Texas, at  
10:30 o'clock A.M. in the Plat Records of said County in Book 21.

WITNESS my hand and seal of office of this court of said county, the  
date last written above.

Miss Emily Limberg, Clerk, County Court, Travis County, Texas  
By: [Signature] Deputy



## MEMORANDUM

**TO:** Wendy Rhoades, Case Manager  
**CC:** Nikelle Meade, Husch Blackwell LLP  
**FROM:** Caleb Gutshall, Transportation Planner  
**DATE:** December 5<sup>th</sup>, 2013  
**SUBJECT:** Neighborhood Traffic Analysis for Cooper Commercial  
Zoning Case No. C14-2013-0118

Section 25-6-114 of the Land Development Code requires that a neighborhood traffic analysis be conducted for a project proposed with a zoning application if:

- (1) the project has access to a residential local or collector street; *and*
- (2) the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day.

The 0.330 acre tract is located in south Austin at 7200 Cooper Lane with existing access to Cooper Lane and Matthews Lane. The site is currently located in the City of Austin Full Purpose zoning area. The development is located in an existing residential neighborhood predominately zoned SF-2 and SF-3. The applicant's zoning request is to rezone from SF-2 to GR general retail zoning to accommodate a convenience market with 6 fueling pumps. If the rezoning is allowed, the trip generation for the project is estimated to generate approximately 3,256 vehicle trips per day.

### Roadways

Cooper Lane is classified as a Residential Collector with approximately 60 feet of right-of-way. However, the pavement width narrows to roughly 27 feet. North of the Matthews Lane, the roadway has two-lanes, curb and gutter, and sidewalk on the west side of the roadway. South of the Matthews Lane along the site, the roadway has two-lanes without curb and gutter and no sidewalks. In October, 2013, the traffic volume on Cooper Lane was 3,535 vehicles per day just south of the intersection with Matthews Lane.

Matthews Lane is classified as a Residential Collector with right-of-way ranging from 60 feet to 120 feet along the site property. However, the pavement width varies between 27 feet and 55 feet. The roadway is predominately two-lanes, but at the intersection of Cooper two additional turn lanes exist. In October, 2013, the traffic volume on Matthews Lane was 2,658 vehicles per day just west of the intersection with Cooper Lane.

### Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication Trip Generation, 8<sup>th</sup> Edition, the requested rezoning of GR for a convenience market with 6 fueling pumps will generate 3,256 vehicle trips per day (vpd). Site traffic is expected to use both Cooper Lane and Matthews Lane. Approximately 50% of the site traffic will be directed west on Matthews Lane while 50% of the site

traffic will be directed north/south on Cooper Lane. Trip generation for the proposed use is summarized in Table 1.

<b>Table 1.</b>		
<b>Land Use</b>	<b>ITE Code</b>	<b>Trip Generation</b>
General Retail	853 (Convenience Market w/ pumps)	3,256

Table 2 represents the expected distribution of the 3, 226 trips:

<b>Table 2.</b>	
<b>Street</b>	<b>Traffic Distribution by Percent</b>
Cooper Lane	50%
Matthews Lane	50%

According to Section 25-6-116 of the Land Development Code, streets which are less than 30 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways is less than 1,200 vehicle trips per day. For this study, existing traffic counts on Cooper Lane and Matthews Lane were taken since the collectors serves as a major collector for the surrounding residential neighborhood. In 2013, the existing daily traffic volume on Cooper Lane was 3,535 vehicles per day and 2,658 vehicles per day on Matthews Lane. Both roadways currently operate at an undesirable level per the Land Development Code.

Because this residential street segment carries more traffic than the undesirable level defined in the Code, Section 25-6-116 states that a project shall be disapproved unless the City Council determines that the project will not result in a significant deterioration of the undesirable operating level. If the site is rezoned, then the anticipated traffic volumes on Cooper Lane will total 4,498 vehicles per day. Anticipated traffic volumes on Matthews Lane will total 3,621 vehicles per day. Anticipated site traffic will cause a 27% increase to traffic along Cooper Lane and 36% increase along Matthews Lane.

Table 3 represents a breakdown of existing traffic, proposed site traffic, total traffic after development and percentage increase in traffic on Cooper Lane and Matthews Lane.

<b>Table 3.</b>						
<b>Street</b>	<b>Pavement Width (ft)</b>	<b>Maximum Desirable Volume (vpd)</b>	<b>Existing Traffic (vpd)</b>	<b>Proposed New Site Traffic</b>	<b>Overall Traffic</b>	<b>Percentage Increase in Traffic</b>
Cooper Lane	27'	1,200	3,535	1,628	5,163	46%
Matthews Lane	27'-55'	1,200	2,658	1,628	4,286	61%

### **Recommendations/Conclusions**

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street




where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.

2. The traffic along Cooper Lane and Matthews Lane exceeds the requirements established in Section 25-6-116.
3. The City Council may deny an application if the neighborhood traffic analysis demonstrates that the project traffic generated by the project(s) combined with existing traffic, exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic analysis study area.
4. All proposed Type II driveway approaches should comply with the design, location, and construction standards in accordance with the Transportation Criteria Manual and Standard Detail No. 433S-2 unless otherwise approved by the Austin Transportation Department and/or the Public Works Department.
5. Prior to approval and release of any site plans, the applicant will coordinate with both the Public Works Department and Austin Transportation Department to provide improvements to enhance mobility for all users along Cooper Lane and Matthews Lane. Improvements may include, but not be limited to, widening of the pavement up to 40 feet, sidewalks and curb ramps, and bicycle lane facilities. The applicant will pay a pro rata share of costs to implement the improvements.
6. Development of this site shall be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the NTA, including peak hour trip characteristics, traffic distributions, roadway conditions, and other traffic related characteristics.

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If you have any questions or require additional information, please contact me 974-6420.



**Caleb Gutshall**  
Senior Planner, City of Austin  
Planning and Development Review Department

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay allows for food preparation use and all permitted neighborhood commercial (LR) uses except for service station, and makes drive-through services as an accessory use, a conditional use.

If the requested zoning is recommended for this site, then Staff recommends a Restrictive Covenant to include all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated December 5, 2013, as provided in Attachment A.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

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.

*2. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Staff recognizes that the property is located at the intersection of two residential collector streets, is intended for commercial purposes by the plat, and has been used for food sales and food preparation purposes for any years. However, the GR zoning district sought by the Applicant allows for land uses and development standards that are incompatible with the residential character of the surrounding area. To that end, Staff recommends uses that could serve residents of the adjacent subdivisions, as well as capture “pass by” traffic from the nearby residential developments, including food preparation as the only GR use, and all neighborhood commercial (LR) uses except for service station, and make drive-through services (an accessory use) a conditional use.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is developed with a food preparation use and parking area, and is generally flat. There appear to be no significant topographical constraints on the site.

**Impervious Cover**

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

the **LR** zoning district is also **80%**, a consistent figure between the zoning and watershed regulations.

### **Comprehensive Planning**

This zoning case is located on the southwest corner of Cooper Lane and Matthews Lane. This 0.33 acre property contains a small store, which previously operated as a tamale factory. The proposed use for this property is a food preparation/convenience store/car wash. This property is not located within the boundaries of a neighborhood planning area and is due south of the South Austin Combined Planning Area. Surrounding land uses includes single family houses to the north, east and west, and a vacant lot to the south. However, there is a day care facility and other small commercial uses located in the vicinity of this property.

The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve '*complete communities*' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another, including a variety of neighborhood serving commercial uses, which is demonstrated in the following IACP policies:

- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

This area of Austin has a scarcity of neighborhood-serving retail uses to serve nearby residences. Reactivating the convenience store would once again provide a neighborhood corner store within walking or biking distances to nearby residents. However, based on adjoining residential uses, staff believes that only a low impact neighborhood commercial use 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 Desired Development 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. 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 Net Site Area</i>	<i>% 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 boundary.



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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

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

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Please provide traffic counts for Cooper Lane and Matthews Lane to the Transportation Reviewer. Results are provided in Attachment A [LDC, Sec. 25-6-114].

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 and Wastewater**

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

The site is subject to compatibility standards. Along all 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.

## 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](http://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: C14-2013-0118**

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

**Public Hearing: Mar 18, 2014, Zoning and Platting Commission**

**May 1, 2014, City Council**

TOM H. ELLIS

*Your Name (please print)*

7208 COOPER LN 78745

*Your address(es) affected by this application*

Tom Ellis

*Signature*

512-940-7208

*Daytime Telephone:*

*Date*

5-28-14

☐ I am in favor  
☒ I object

*Comments:* I OBJECT TO THIS ZONING CHANGE

THIS IS A RESIDENTIAL AREA AND THERE IS

NO COMMERCIAL ZONING ANYWHERE NEAR HERE.

ANY BUSINESS THAT WAS AUTOMOTIVE SERVICE

OR WASHING BASED WOULD BE DISASTEROUS

TO THE PEACE AND QUIET OF THE NEIGHBORS

AS WOULD ANY BUSINESS OPEN AT NIGHT

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



## Rhoades, Wendy

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**From:** Becky Webb <[REDACTED]>  
**Sent:** Tuesday, March 18, 2014 9:30 AM  
**To:** Rhoades, Wendy  
**Cc:** Becky Webb  
**Subject:** Case# C14 2013 0118

Dear Ms Rhoades,

I left a message a few minutes ago regarding opposing the zoning restriction on the case numbered above. Would you please accept this email as notification in writing?

My Husband Tom Ellis and I (Rebecca Webb) would like to contest the rezoning from SF2 to GR. The property and existing building at 7200 was a 'clean' business and they were fine neighbors.

We request that a conditional overlay be applied to protect the neighborhood environment, which overwhelmingly residential. We request that the conditions be to only allow clean businesses like a store or small factory that does not have any environmental waste.

Specifically to include dry cleaners, car wash, car repair, body or paint shop, or similar.

We request that the property at 7202, which does not have a building on it and has been undeveloped, remain S2 zoning.

We do not want two businesses on that corner as it will make it dangerous to get in and out. The curve in Cooper Lane at

Matthews Street has sent many drivers into the ditch and phone pole because they tend to go too fast.

Thank you for your consideration,  
Rebecca Webb Ellis  
7208 Cooper Ln  
Austin TX 78745

## Rhoades, Wendy

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**From:** jtouchstone@touchstoneplumbing.com  
**Sent:** Wednesday, August 27, 2014 2:57 PM  
**To:** Rhoades, Wendy  
**Subject:** [FWD: Email from austintexas.gov to All Council Members: Agenda Item 119, August 28, 2014]

Wendy,

I figured it might be easier to just forward you the email we sent to City Council today via the online email form.

Thanks,

Susan

Touchstone Plumbing, Inc.  
512-442-6389

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

**Subject:** Email from [austintexas.gov](http://austintexas.gov) to All Council Members: Agenda Item 119, August 28, 2014

**From:** [jtouchstone@touchstoneplumbing.com](mailto:jtouchstone@touchstoneplumbing.com)

**Date:** Wed, August 27, 2014 2:55 pm

**To:** [jtouchstone@touchstoneplumbing.com](mailto:jtouchstone@touchstoneplumbing.com)

Honorable Mayor Leffingwell and City Council Members:

I am writing this note regarding Item 119 on the Thursday, August 28 City Council Agenda, regarding the rezoning of 7200 Cooper Lane (C14-2013-0118). My personal residence is directly behind the property under consideration. I remember being that when our area was annexed by the City of Austin in 1984, we (myself and the owner of the business that was at that location at the time) were told that if the property became vacant and remained vacant for over 90 days, then the property would revert back to residential zoning and would not be "grandfathered in" as a commercial location.

The property in question has been vacant for the over two years. This Council is currently considering allowing the property to be rezoned as community commercial-conditional overlay (GR-CO). I am requesting an additional condition be added to the zoning approval under consideration: Please require the property owner and/or lessee to install, at their expense, an 8' tall privacy fence on the common property lines between the building located at 7200 Cooper Lane and the neighboring residences. The general area I am speaking of would encompass the west property line between 7200 Cooper Lane and my residence at 911 Matthews Lane. The installation of an 8' privacy fence would provide privacy for my personal residence, reduce noise from traffic to the business and assist in alleviating compatibility issues.

Additionally, I am in agreement with the Ellis' family (7208 Cooper Lane) that the property located at 7200 Cooper Lane should NOT be allowed to be any type of business that might have an adverse environmental impact (i.e. dry cleaners, gas station, car wash, car repair, body or paint shop or similar types of businesses) as this will adversely effect the surrounding residential area.

It is my hope to be able to speak before Council on this item tomorrow, but I wanted to submit

my concerns to City Council prior to tomorrow's Council meeting for your consideration.

Respectfully submitted,

John J. Touchstone  
911 Matthews Lane  
Austin, TX 78745  
512-444-8457