

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2014-0105 / Samon**P.C. DATE:** August 26, 2014**ADDRESS:** 2428 & 2432 S 1<sup>st</sup> Street**AREA:** 0.70 acres**NEIGHBORHOOD PLAN AREA:** Galindo (South Austin Combined Neighborhood Plan Area)**OWNER:** James Samon**APPLICANT:** Ates Construction Co (Ray D. Ates)**ZONING FROM:** LO; Limited Office**ZONING TO:** CS; General Commercial Services**SUMMARY STAFF RECOMMENDATION:**

To grant an alternate recommendation as follows (see Exhibit B for Proposed Tract Map):

Tract 1: CS, General Commercial Services;

Tract 2: LR, Neighborhood Commercial; and

Tract 3: LO, Limited Office with the following conditions:

- 1) A 2,000 vehicle trip per day limit be placed on the combined tracts;
- 2) Access from the Tracts to the right-of-way at the north property line of the tract would be prohibited except for pedestrian, bicycle, and emergency services access; and
- 3) The following uses would be prohibited on Tract 2: medical offices exceeding 5,000 square feet, service station, and custom manufacturing.

**PLANNING COMMISSION RECOMMENDATION:**

August 26, 2014

Recommend to Grant CS on Tract 1, LR on Tract 2, and LO on Tract 3 with Conditions as recommended by Staff (Motion: J. Stevens; Second: J. Nortey) 8-0-1 (Absent: D. Chimenti)

**DEPARTMENT COMMENTS:**

The subject tract consists of 0.7 acres, centered approximately 470 feet south of West Oltoft Street and abutting South 1<sup>st</sup> Street (see Exhibits A). The vacant property is surrounded by commercial, office, and residential zoning and land uses, and is across the street from the Gillis Neighborhood Park. The San Jose Church campus is to the south and west.

The owner of the subject tract also owns the CS-1-V-zoned parcel abutting the tract to the north, and the CS-zoned parcel abutting to the south. However, the request for CS is driven not by a desire to redevelop these parcels in a uniform fashion at this time. Rather, the applicant has stated a desire to use the area abutting S 1<sup>st</sup> St as a food trailer court; future plans may involve a small restaurant on the western portion of the tract.

**ABUTTING STREETS & TRANSIT:**

<b>Street Name</b>	<b>ROW Width</b>	<b>Pavement Width</b>	<b>Classification</b>	<b>Bicycle</b>	<b>Bus Service</b>	<b>Sidewalks</b>
S. 1 <sup>st</sup> Street	75' feet	60' feet	Arterial	Yes	Yes	Yes

There is an unnamed alley to the north of the subject tract, approximately 30 feet wide, extending from S 1<sup>st</sup> St to S 3<sup>rd</sup> Street. This alleyway is maintained by the City, and is used by both by the properties that front it, but also as an access point to the San Jose Church campus.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Vacant (remaining structures and paved parking)
<i>North</i>	CS-1-V; CS; SF-3	Liquor Sales, Cocktail Lounge; Alley; Vacant; Pawn Shop Services; Single Family Residential
<i>East</i>	GR-CO-NP; P-NP	S 1 <sup>st</sup> St; Convenience Retail, Restaurants; Park; South Austin Health Center
<i>South</i>	CS; GR-CO; CS-V; CS-CO; GO-V-CO; GR-V-CO; LO-V-CO	Vacant; Personal Services; Restaurant; Undeveloped; Undeveloped
<i>West</i>	LO; MF-2	Single Family Residential; Multifamily

**TIA:** Not required; 2,000 vehicle trip per day cap recommended

**WATERSHED:** East Bouldin Creek Watershed

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:**

COMMUNITY REGISTRY NAME	COMMUNITY REGISTRY ID
Bouldin Creek Neighborhood Association	127
Dawson Neighborhood Assn.	154
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
SoCo-South First St.	752
Galindo Elementary Neighborhood Assn.	904
Dawson Neighborhood Planning Contact Team	976
Homeless Neighborhood Organization	1037
Bouldin Creek Neighborhood Planning Team	1074
Bike Austin	1075
Perry Grid 614	1107
Super Duper Neighborhood Objectors and Appealers Organization	1200
South First IBIZ District	1323
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SEL Texas	1363

Wildflower Church	1423
Preservation Austin	1424
Friends of the Emma Barrientos MACC	1447

**ZONING CASE HISTORIES FOR THIS TRACT:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
2432 S 1 <sup>st</sup> St C14-99-0034*	SF-3 to GO	Recommended GO; 04/20/1999	Approved LO; 07/22/1999

**\* This case includes the proposed Tract 1 and the southern half of Tract 2, as depicted on Exhibit B.**

**ZONING CASE HISTORIES IN THE AREA:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
<b>West of South 1<sup>st</sup> Street</b>			
605 W Oltorf C14-00-2239	SF-3 to NO	Recommended NO-MU; 12/19/2000	Approved NO-MU; 02/15/2001
2408 S 1 <sup>st</sup> St C14-61-92	"C" 1 <sup>st</sup> H&A to "C-2" 1 <sup>st</sup> H&A	Recommended	Approved 08/10/1961
2410 S 1 <sup>st</sup> St C14-69-002	"C" 1 <sup>st</sup> H&A to "C-2" 1 <sup>st</sup> H&A		Approved; 03/06/1969
2424 S 1 <sup>st</sup> St C14-60-138	"A" 1 <sup>st</sup> H&A to "C" 1 <sup>st</sup> H&A		Approved; 12/08/1960
2444 S 1 <sup>st</sup> St C14-04-0180	SF-3 to GR	Recommended GR-CO; 12/21/2004	Approved GR-CO; 01/27/2005
2510 S 1 <sup>st</sup> St C14-06-0032	SF-3 to CS, GO, GR, LO with Conditions	Recommended CS-CO, GO-CO, GR-CO, LO-CO; 05/09/2006	Approved CS-CO, GO-CO, GR-CO, LO-CO; 09/28/2006
2411 Oakcrest C14-78-179 (San Jose)	"A" 1 <sup>st</sup> H&A to "O" 1 <sup>st</sup> H&A		Approved 05/29/1980 (RCA restricts to clinic use)
2435 Oakcrest C14-99-0044 (San Jose)	SF-3 and MF-2 to LO-CO	Recommended 04/27/1999	Approved 07/01/1999 (CO Limits Uses)
<b>East of South 1<sup>st</sup> Street</b>			
C14-01-0061 501-529 W Oltorf (Dawson NP)	GR to GR-CO-NP; CS & CS-1 to CS-CO-NP & CS-	Recommended; 07/10/2001	Approved; 12/06/2001

	1-CO-NP		
C14-72-44 (2501-2507 S 1st St)	"A" 1st H&A to "C" 1st H&A		Approved; 05/18/1972
C14-86-223 (2400 Block S 1 <sup>st</sup> & 2405 Durwood) [Gillis Park and Cmty Center area]	CS and SF-3 to P	Recommended; 11/25/1986	Approved; 12/04/1986

In addition to the above individual cases, several neighborhoods adopted Vertical Mixed Use Building (V) combining district and Vertical Mixed Use Overlay (VMU) for certain tracts within their neighborhood boundaries during the Opt-In process in 2007 and 2008. This includes Galindo (C14-2007-0238), which included 21 tracts along the west side of S 1<sup>st</sup> Street between Oltorf and Ben White Boulevard, and Dawon, which so designated 10 properties along the east side of S 1<sup>st</sup> St. North of Oltorf, the Bouldin Neighborhood (C14-2007-0220) designated 25 such tracts on either side of S 1<sup>st</sup> St.

For area properties in Galindo, eligible properties are exempt from dimensional standards; other typical allowances include ground-floor commercial uses for office districts, and a requirement for 10% affordable units in a vertical mixed use building.

**CITY COUNCIL DATE:**

Scheduled to be considered October 2, 2014

September 25, 2014

Postponed at the Request of Staff (Motion: Council Member Tovo; Second: Council Member Riley) 7-0.

**CITY COUNCIL ACTION:****ORDINANCE READINGS:**1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman

e-mail address: lee.heckman@austintexas.gov

**PHONE:** 974-7604

## **SUMMARY STAFF RECOMMENDATION**

To grant an alternate recommendation as follows (see Exhibit B for Proposed Tract Map):

Tract 1: CS, General Commercial Services;

Tract 2: LR, Neighborhood Commercial; and

Tract 3: LO, Limited Office with the following conditions:

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## **BACKGROUND**

Limited office (LO) district, the current zoning, is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The proposed general commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

Staff's recommendation includes neighborhood commercial (LR), which is a district designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The recommendation also includes the use of a conditional overlay (CO) combining district, which may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

## **BASIS FOR RECOMMENDATION**

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

***Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.***

The request CS zoning fits neatly between the parcels zoned CS-1-V and CS along S 1<sup>st</sup> St. Those two parcels are under the same ownership as the subject tract. Staff is unaware of any plan to redevelop this collection of parcels as a unified project at this time. Instead, the request is to facilitate using the site for a food trailer court, and possible small restaurant in the future.

Yet, the parcel also abuts property zoned LO (used as residential) and is across an alleyway from property zoned SF-3, and used as single family residential. It is indeed an alley; 30' across, and

although paved and maintained by the City of Austin, would not meet current standards for a public roadway.

Any commercial use of this site (or office if it remained such) would be subject to compatibility standards along the north and west, owing to the current uses as single-family. While this promotes compatibility at the site-planning stage, staff cannot justify placing unconditional CS next to, or 30' away from, single-family residences. The existing LO provides an appropriate transition next to residential uses.

At the same time, CS is appropriate along major arterials such as S 1<sup>st</sup> St. The proposed Tract 1, which is recommended for CS, is approximately 50' x 100' and should accommodate the two food trucks the applicant has indicated triggered the rezoning request. At the same time, the LR (neighborhood commercial) proposed for Tract 2 would allow for both parking in the short term and for a restaurant use in the future. While GR, community commercial was also considered for this Tract, staff thinks the less intense LR district provides better compatibility and a better transition between the CS recommended along S 1<sup>st</sup> St and the existing LO to the north and west.

One difference between the GR and LR considered for Tract 2 is the difference in restaurant use. GR permits a more intense general restaurant use. Under the LR zoning district requirements, a limited restaurant (which does not serve alcohol) is permitted by right, a general restaurant (which includes the sale and on-premises consumption of alcohol as an accessory use) is permitted, but subject to size limitations, reduced hours of operations, outdoor seating and entertainment constraints, and other conditions. A GR district also allows a general restaurant more flexibility, in terms of space and scope of operation. Based on conversations with the applicant, a general restaurant is not envisioned; a limited restaurant, serving the neighborhood, can function well in an LR setting, and both the establishment and the district provide better compatibility and transition.

Of note, the neighborhood has adopted additional requirements for mobile food establishments. Specifically, there are spatial requirements (50' from SF-5 or more restrictive districts) and limited hours of operation, depending on proximity to SF-5 or more restrictive districts. Given that the CS allows mobile food vending and LO and LR do not, this ensures such activities would be at the front of the site, along S 1<sup>st</sup> St. Combined with the additional requirements adopted by the neighborhood, staff believes compatibility is further ensured.

***Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.***

This property is not really at in intersection of arterials and collectors. It does have nearly 50' of frontage on S 1<sup>st</sup> St., a major arterial, but the 100' of frontage on the east-west alley does not truly meet the collector standard. However, this is a small site (less than 1 acre) and the traffic generated by the site will be modest. In addition, access from the Tracts to the alleyway is recommended to be limited to pedestrian, bicycle, and emergency services access. This means traffic generated by redevelopment or reuse of the site would enter from and exit to S 1<sup>st</sup> St., not back to Oltorf Street by means of S 2<sup>nd</sup> or 3<sup>rd</sup> Streets.

If this property is combined with the CS and CS-1-V properties along S 1<sup>st</sup> St. into a larger, unified project, than the combined project may generate more traffic to the site, but at that point the site would also have multiple access points to S 1<sup>st</sup> St.

***The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.***

The neighborhood planning effort for this area has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Comprehensive Plan (IACP) identifies S 1<sup>st</sup> St. as an Activity Corridor. These corridors have a dual nature or purpose. First, they are important transportation connections, with pedestrian, bicycle, transit and car use; they are to enhance mobility. Second, they are characterized by a variety of activities and building types; they are areas of concentrated development. So more than just a means to get from one place to another, S 1<sup>st</sup> St. may become its own place. Redevelopment and evolution of corridors, which can vary by the corridor and its current characteristics and future role, is anticipated by the IACP.

Redevelopment of this site, initially as a court for food trucks and potentially later with a restaurant, seems to be in keeping with the IACP's goals of compact communities in which neighborhood residents or employees can access services in close proximity. At the same time, protecting neighborhood character is also cited in the IACP, and one cannot overlook the fact this property is located near single-family residential uses, despite it fronting a major arterial.

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

At such time the LO-zoned properties to the west are no longer uses for residential purposes, and/or at such time an owner wishes to consolidate the subject tract and the CS-1-V and CS-zoned parcels along S 1<sup>st</sup> St, and proposes a unified project, staff can certainly consider whether an expanded CS district is reasonable and appropriate. At the present time, however, and in the absence of such a unified project, recommending unlimited or unrestricted CS for the entire site seems to be generous beyond justification.

Consequently, staff recommends CS for that portion along S 1<sup>st</sup> St. (Tract 1), a middle-tier LR for that portion in the back and abutting LO zoned but single-family used property (Tract 2), and maintaining LO at the northern end of the property (Tract 3) that fronts an alleyway and single-family residential 30' away.

Staff has proposed an alternate recommendation. Nonetheless, given that the applicant can very likely achieve the goals which led to the request – allowing for a court for food trucks and the possibility of opening a small restaurant in the future - the proposed zoning should allow for a reasonable use of the site.

## **EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS**

### **Site Characteristics**

The site is current vacant, with a couple of structures and surface parking that nearly covers the entirety of the property. The property is flat, ostensibly treeless, and has no known environmental features that would inhibit reuse or redevelopment of the site.

### **PDRD Environmental Review (MM) (2014-07-01)**

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- 1) 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.
- 2) Zoning district impervious cover limits apply in the Urban Watershed classification.
- 3) According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
- 4) Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- 5) 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.
- 6) This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements

### **PDRD Site Plan Review (RA)**

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- 1) Site plans will be required for any new development other than single-family or duplex residential.
- 2) 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.
- 3) Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.



- 4) The site is subject to compatibility standards. Along the west and south 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.
  - 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.
  - Additional design regulations will be enforced at the time a site plan is submitted.

### **PDRD Transportation Review (BG) (2014-06-09)**

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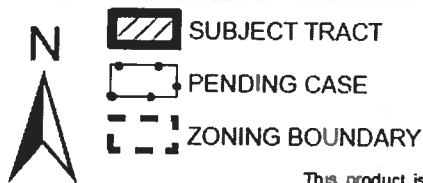
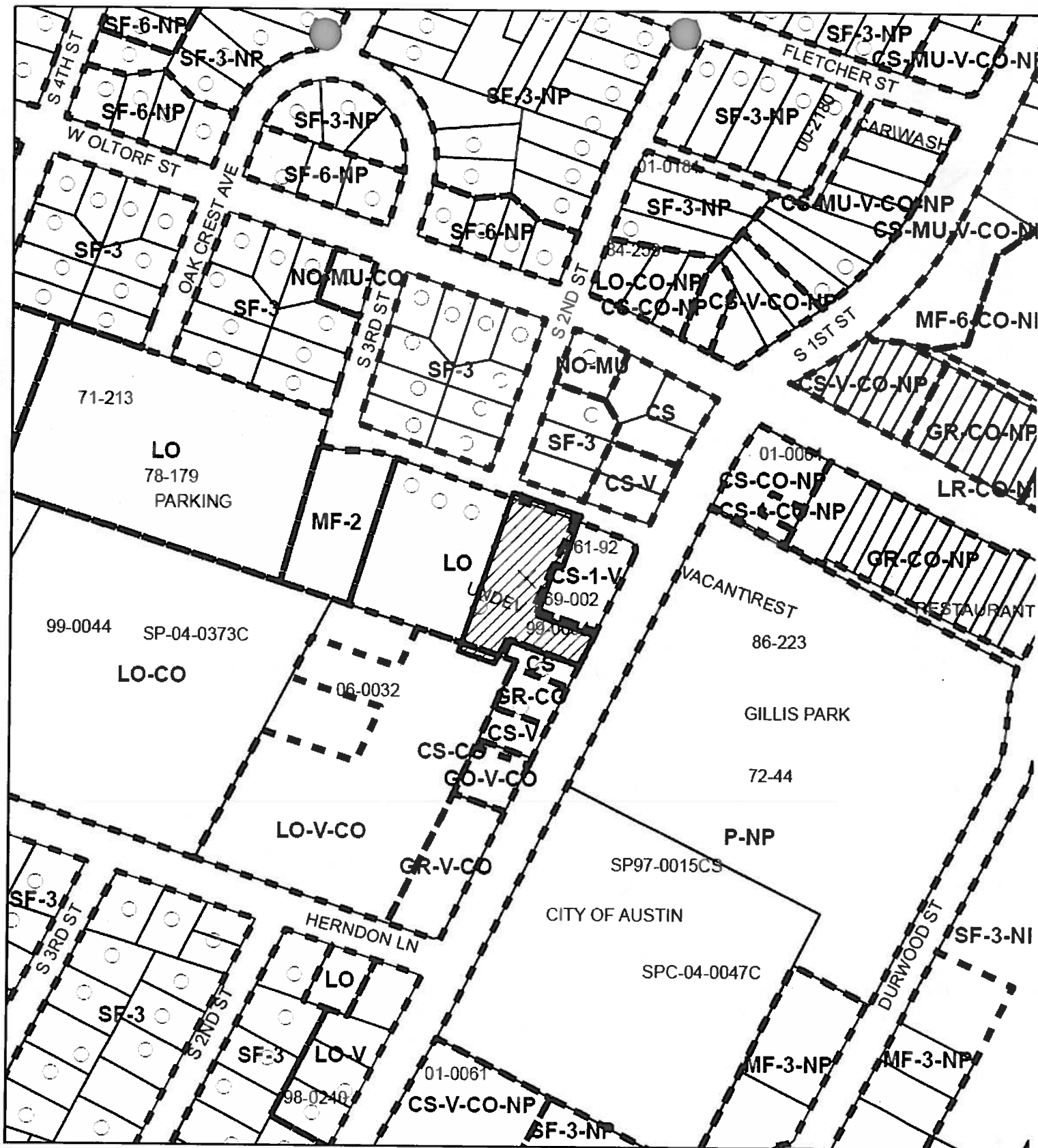
- No additional right-of-way is needed at this time. Adequate ROW as required by the AMATP.
- Additional right of way may be required at the time of subdivision and/or site plan.
- A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this 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]
- According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: S 1<sup>st</sup> Street.
- Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
S. 1 <sup>st</sup> Street	75'	60'	Arterial	Yes	Yes	Yes

### **PDRD Austin Water Utility Review (NK) (2014-06-26)**

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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 and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



**ZONING CASE**  
C14-2014-0105

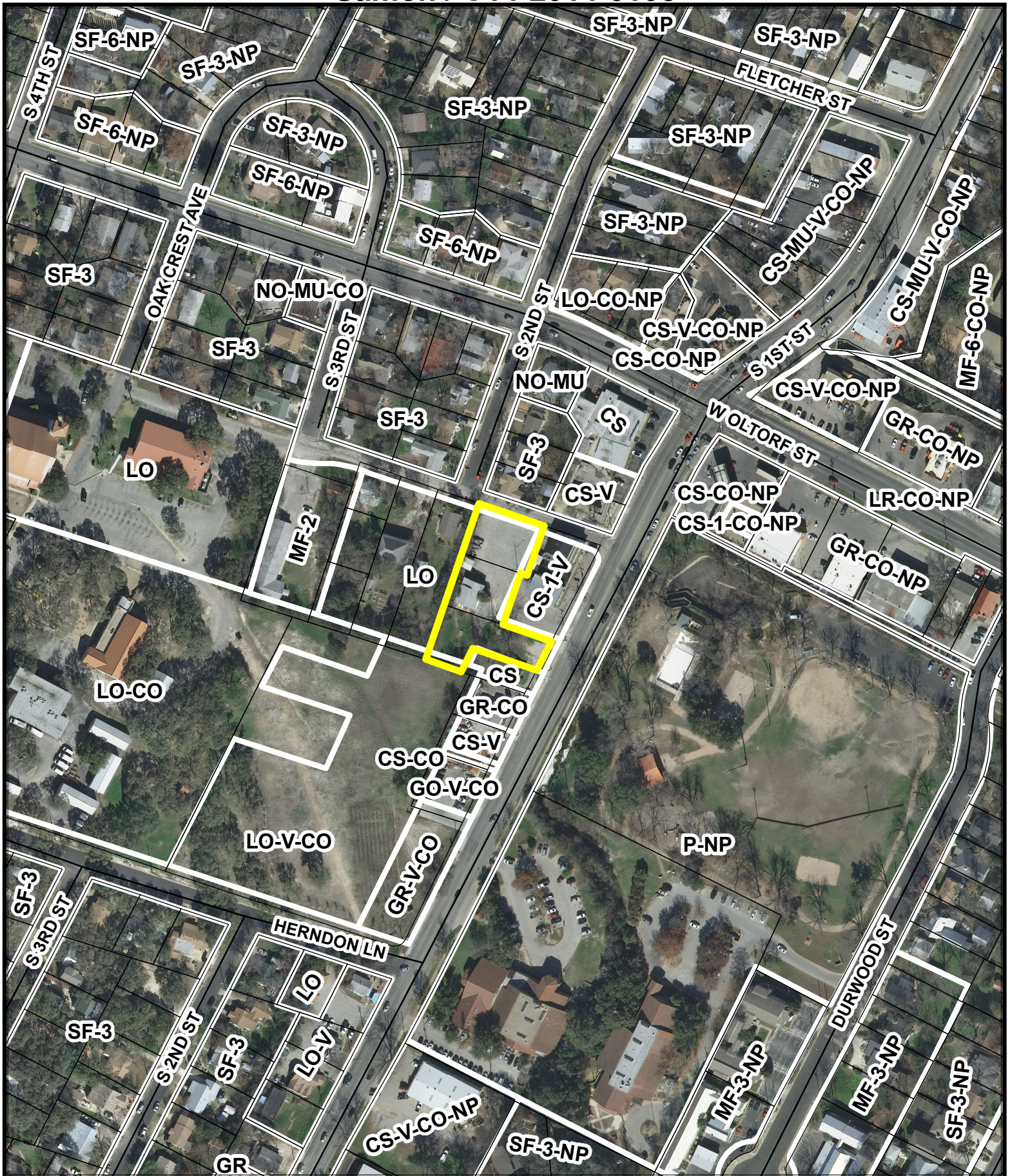
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



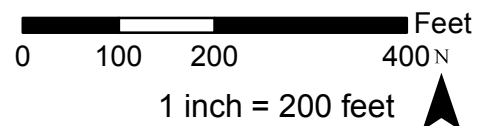
**Exhibit A - Zoning Map**



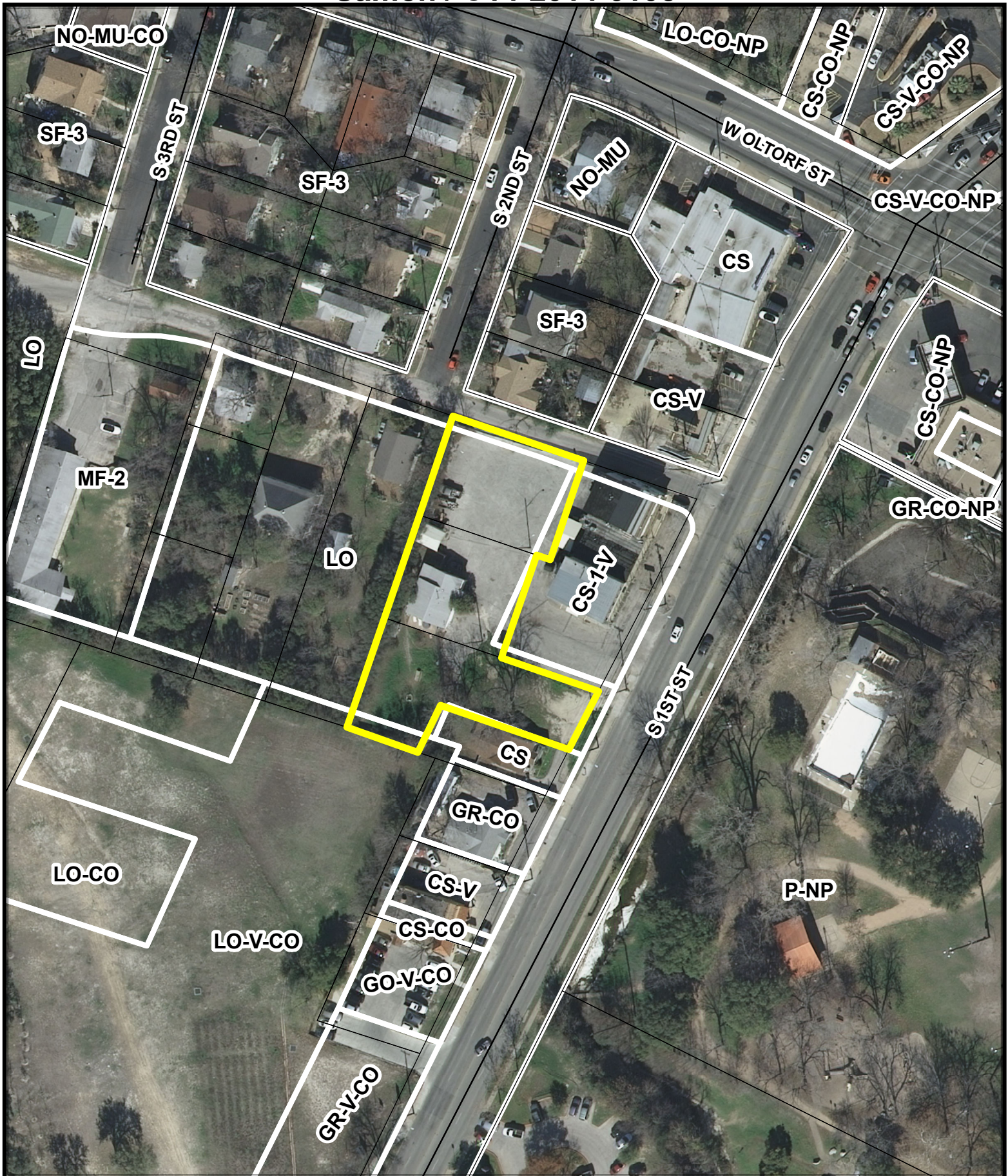


Aerial: 2012-01

**Ex A-1**  
**Aerial & Zoning**

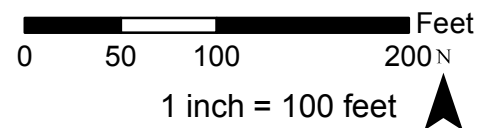






Aerial: 2012-01

**Ex A-2**  
**Aerial & Zoning**

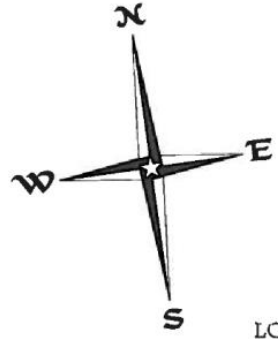




= 30'

# Legend

- ⊙ 1/2" Iron Rod Found (unless notes)
- ⊕ 1/2" Iron Rod Found with plastic cap imprinted with "RPLS 4835"
- ⊗ Calculated Point
- (Record Bearing and Distance)



LOMA LINDA  
VOLUME 4 PAGE 216

LOT 9

BLOCK "A"

LOT 1

SOUTH 2ND ST.

BEARING BASIS

20' Easement per Volume 4, Page 216

**Tract 3  
LO**

James J Samon, Jr  
Document No. 2005211333  
described by metes and bounds in  
Volume 3627 Page 993

ISAAC DECKER LEAGUE  
ABSTRACT No. 8

Jesse Saletan  
(0.4251 Acre)  
Document No. 2002060056

0.70 ACRE

**Tract 2  
LR**

**Tract 1  
CS**

SOUTH 1ST STREET (R.O.W. VARIES)

PLACE OF  
BEGINNING

City of Austin  
(855 sq.ft.)  
Volume 2244 Page 279

John McCarthy  
Bishop of the Catholic Diocese of Austin  
(1.115 Acres)  
Volume 13395 Page 2204

## Exhibit B – Proposed Tracts

**From:** Bob Hoffnar  
**Sent:** Wednesday, September 24, 2014 4:07 PM  
**To:** Heckman, Lee  
**Subject:** case #C14-2014-0105

*The Galindo Elementary Neighborhood Association on sept 22nd at the general meeting voted to not support the proposed zoning change from LO to CS requested by James Samon for 2428 & 2432 S 1st Street requested by James Samon on 8/15 ; case #C14-2014-0105 .*

*The neighborhood association would support allowing food trailers on that location as originally discussed with Mr. Samon.*

*Thank you, Bob Hoffnar (Galindo Elementary Neighborhood Zoning Chair)*

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<http://www.bobhoffnar.net>