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ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0044 - James

P.C. DATE: May 12, 2015

ADDRESS: 1411 W 6th Street

DISTRICT AREA: 9

OWNER/APPLICANT: Jay W. Barnes

AGENT: James Design, LLC (Hunter Ellis)

ZONING FROM: LO-NP

TO: *LR-MU-CO-NP

AREA: 0.1492 acres (6,499 sq. ft.)

*The initial zoning request was for GR-V-CO-NP combined district zoning. The application was amended on April 21, 2015.

SUMMARY STAFF RECOMMENDATION:

Staff recommends neighborhood retail - mixed use - conditional overlay - neighborhood plan (LR-MU-CO-NP) combined district zoning. The conditional overlay will prohibit vehicle trips to less than 2,000 per day and will prohibit Service Station, Restaurant (general) and Restaurant (limited) uses. The Applicant and the Neighborhood support this recommendation.

PLANNING COMMISSION RECOMMENDATION:

May 12, 2015:

DEPARTMENT COMMENTS:

The subject property is a single lot developed with a one-story, 1920's craftsman style residential structure that fronts the south side of West 6th Street. Behind the residential structure is a three-story secondary structure that is attached to the main structure by an elevated/covered walkway. The secondary structure was once likely a single-story, detached garage. Some time ago, the structures were converted to non-residential uses. Vehicle access exists only through the alley way at the rear of the property. The alley way is accessed from Oakland Avenue to the east. The primary, residential structure is a contributing structure in the Westline National Register Historic District.

The Applicant has requested LR-MU-CO-NP zoning in order to use the property for an interior design show room and specialty retail shop that sells designer fabrics and housewares. The design show room and retail space will be located in the primary structure. The three-story, secondary structure will be used as an office that supports the retail business in the primary structure. There are no plans for residential use of the property at this time. However, the property owner would like the opportunity to use the property for residential uses in the future. Under the proposed use, the Applicant has plans for some interior remodeling and will not be adding additional square footage.

Looking into the initial request for GR-V-CO-NP combined district zoning, Staff determined that the Applicant's proposed use could be accomplished with the neighborhood commercial (LR) zoning district which is more appropriate for this location that serves as a zone of transition between the single-family residential to the north of West 6th Street and the more intense uses and densities to the

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south of the subject property and along West 5th Street. Additionally, with the primary structure contributing to the Westline NRHD, Staff determined that -VMU- zoning would create pressure to redevelop the lot in a manner that would threaten the structure's contributing status. Instead, -MU- will be a more appropriate way to permit a residential use in the future and also encourage preservation of the Historic District. The Applicant is agreeable and amended the zoning application accordingly.

Staff is recommending LR-MU-CO-NP combining district zoning because the this area is appropriate for neighborhood scaled businesses that transition away from the single family zoned districts to zoning districts with greater intensity of uses and densities. While the Old West Austin Neighborhood Plan does not entirely support the zoning request, the zoning request does meet some important goals identified in the Neighborhood Plan. Additionally, the zoning request is supported by the Imagine Austin Plan. With the conditional overlay prohibiting uses that are not compatible

ISSUES: None at this time.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-NP	Vacant
<i>North</i>	LO-NP	Real Estate Offices
<i>South</i>	LO-NP	Office
<i>East</i>	LO-NP	Law Office
<i>West</i>	LO-NP	Medical Office

NEIGHBORHOOD PLANNING AREA: Old West Austin

TIA or NTA: No

WATERSHED: Lady Bird Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: Yes

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District	742
Austin Heritage Tree Foundation	1340
Old West Austin Neigh Plan Contact Team	1011
Shoal Creek Conservancy	1497
Friends of Emma Barrientos MACC	1447
Sierra Club, Austin Regional Group	1228
Old West Austin Neighborhood Assn.	18
Austin Neighborhoods Council	511
Save Barton Creek Assn.	384
The Real Estate Council of Austin, Inc.	1236
SEL Texas	1363
Preservation Austin	1424
West End Austin Alliance	998

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SCHOOLS: Mathews Elementary, O. Henry Middle, Austin High

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-06-0176 – West End Pilates; 504 Oakland Ave	MF-4-NP to GR-MU-CO-NP	9/26/2006 – Rcmd LO-MU-NP.	11/2/2006 – Apvd LO-MU-NP.
C14-2007- 0237 – Old West Austin Neighborhood Planning Area Vertical Mixed Use Zonings	To add –V- to existing zonings	2/12/2008 – Rcmd –V-.	3/6/2008 – Apvd –V- overlay district zoning with parking exemptions, parking reductions, and additional uses for some parcels, 10% of units at 80%MFI for affordable housing; units must be at least 1,000 sq. ft. and have two bedrooms.
C14-2009- 0166 – Westend Bistro; 1315 W 6 th St.	LO-NP and LO- V-NP to GR-NP and GR-V-NP	3/23/2010 – Rcmd GR-V-CO- NP. CO limiting the size of the structure to no more than 3,500 sq. ft. and limiting the height to 2 stories or 25 feet.	3/11/2010 – Apvd GR-V-CO-NP ; CO limiting gross floor area to 3,500 sq. ft. and limiting the height to 2 stories or 25 feet; minimum interior side yard setback of 5ft., front yard setback of 25ft.; rear yard setback of 5ft.; maximum impervious cover of 80%; maximum building cover of 50%, maximum F.A.R. of 0.7to 1.0. ; PROHIBITED USES: Automotive rentals, automotive sales, bail bond services, commercial off-street parking, consumer repair services, exterminating services, hotel- motel, indoor sports and recreation, outdoor entertainment, pawn shop services, plant nursery, research services, theater, guidance services, automotive repair services, automotive washing (of any type) business or trade school, consumer convenience services, drop-off recycling collection facility, funeral services, indoor entertainment, off-site accessory parking, outdoor sports and recreation, pet services, printing

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			and publishing, services station, custom manufacturing, hospital services (general). CONDITIONAL USES: college and university facilities, community recreation (public), Group Home (class II), residential treatment, community recreation (private), congregate living, hospital services (limited).
C14-2010-0115 – Westend Bistro; 1315 W 6 th St.	GR-V-CO-NP to GR-V-CO-NP; to change a condition of zoning	8/10/2010 – Rcmd GR-V-CO-NP and delete the 25ft. front yard setback that was restricted in the original CO.	8/26/2010 – Apvd GR-V-CO-NP and delete the 25ft. front yard setback that was restricted in the original CO.
C14-2013-0101 – Found Upscale Women’s Boutique; 501 Oakland Ave.	LO-V-NP to GR-V-CO-NP	10/22/2013 – Rcmd GR-V-CO-NP; building cover restricted to 30%, PROHIBITED USES: drive-in service use is prohibited as an accessory use, automotive repair services, automotive sales, bail bond services, exterminating services, outdoor sports and recreation, restaurant (general), day care services (commercial), urban farm, day care services (limited), automotive rentals, automotive washing (of any type), commercial off-street parking, funeral services, pawn shop services, service station, residential treatment, day care services (general).	11/21/2013 – Apvd GR-V-CO-NP; building cover restricted to 30%, drive-in service use is prohibited as an accessory use; PROHIBITED USES: automotive repair services, automotive sales, bail bond services, exterminating services, outdoor sports and recreation, restaurant (general), day care services (commercial), urban farm, day care services (limited), automotive rentals, automotive washing (of any type), commercial off-street parking, funeral services, pawn shop services, service station, residential treatment, day care services (general).
C14-2013-0138 – Nightcap Dessert Lounge; 1401 W 6 th St.	LO-NP to GR-V-CO-NP	1/14/2014 - Rcmd GR-CO-NP; prohibiting drive thru services, PRC restricting hours of operation, limited to 2,500 sq. ft. (restaurant general).	2/13/2014 - Apvd GR-CO-NP; prohibiting drive-in services as an accessory use to commercial uses, limited to 2,500 sq. ft. (restaurant general); PROHIBITED USES: automotive sales, automotive washing (any type), bail bond services, business or trade school, business support services, commercial off-street parking, consumer convenience services, consumer repair services, exterminating series, drop-off recycling collection series, financial services, funeral services, general retail sales (convenience), General retail sales (general), hotel-motel, indoor

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			entertainment, indoor sports and recreation, off-site accessory parking, outdoor sports and recreation, pawn shop services, pedicab storage and dispatch, pet services, plant nursery, research services, service station, day care services (commercial) day care services (general), day care services (limited), residential treatment, urban farm.
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RELATED CASES:

The subject property is platted as Lot 5, Block 1, DIVISION Z, Woodland Addition, a subdivision in Travis County recorded on June 26, 1914.

Case C14-79-200 changed the zoning on the subject tract from "B" Residence, second height (MF-3) to "O" Office, first height and area district (LO). A four square foot tract of land on this subject property was changed from B" Residence, second height (MF-3) to LR, Local Retail, first height (LR).

As part of the Old West Austin Neighborhood Planning Process, the subject property was rezoned from LO to LO-NP under case C14-02-0112 (Ord# 020926-26).

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?	ADT
W. 6th Street	72'	MAU-4	Arterial	Yes	Yes	Yes	25,216

CITY COUNCIL DATE:

ACTION:

June 11, 2015:

ORDINANCE READINGS: 1st

2nd

3rd




ORDINANCE NUMBER:

CASE MANAGER: Tori Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
CASE#: C14-2015-0044



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.





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1' = 400'



Subject Property

ZONING

ZONING CASE#: C14-2015-0044
ZONING CHANGE: LO-NP to LR-MU-CO-NP
LOCATION: 1411 W 6th Street
SUBJECT AREA: 0.1492 ACRES
MANAGER: TORI HAASE



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.

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STAFF RECOMMENDATION

Staff recommends neighborhood retail - mixed use - conditional overlay - neighborhood plan (LR-MU-CO-NP) combined district zoning. The conditional overlay will prohibit vehicle trips to less than 2,000 per day and will prohibit Service Station, Restaurant (general) and Restaurant (limited) uses.

BASIS FOR RECOMMENDATION

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

The Neighborhood Commercial (LR) zoning district is intended for neighborhood shopping facilities that provide limited business services and office facilities predominantly for the convenience of residents of the neighborhood.

The proposed zoning, LR-MU-CO-NP, will allow uses that can serve the local residents such as the interior design showroom and retail use that is proposed at this time.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Historically, the subject property was within a residential district. However, many properties in the blocks between W 6th Street and W 5th Street have received zoning changes that have resulted in most properties being converted to non-residential uses over the years. The zoning change to LR is compatible with the surrounding properties that have similar zoning and uses such as neighborhood scaled retail, office, and restaurants.

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

The LR zoning district is appropriate in this location as a buffer between the more intensely zoned properties on W. 5th Street such as LI, GR, and CS and the less intensive uses along the north side of W. 6th Street and beyond into the Clarksville Neighborhood to the north.

4. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The zoning request is supported by the Imagine Austin Plan because the subject property is located on an 'Activity Corridor' and will allow a mixture of uses that will provide a variety of activities. Additionally, the Old West Austin Neighborhood Plan document supports neighborhood serving commercial uses along the south side of W. 6th Street. However, the Neighborhood Plan does not support up-zoning in this particular location.

EXISTING CONDITIONS

Site Characteristics

The subject property is developed with a one-story, single family residential structure and a two-story secondary structure that is attached by an elevated, covered walkway. The rear of the property has an asphalt parking lot that is contiguous with the parking lots of the adjacent properties. There is a mature tree located on the western side of the property between the main structure and the secondary

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structure. In the front setback, there is a decorative tree and one mature tree located close to the north-west corner of the primary structure. There does not seem to be any topographical constraints on the property.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district is 80%. Note: The most restrictive impervious cover limit applies.

Comprehensive Planning, Kathleen Fox, 512-974-7877

Old West Austin Neighborhood Plan

The Old West Austin Neighborhood Plan (OWANP) is one of the few neighborhood plans that does not include a Future Land Use Map within the plan. The following text, goals and policies are taken from the OWANP and are relevant to this case:

The neighborhood planning team has identified "neighborhood-friendly" commercial areas where office, retail, and residences can be mixed vertically and horizontally. These areas include West 5th and 6th Streets between Lamar and Mopac, Lamar Boulevard between Town Lake and Enfield, and those properties that already have commercial zoning on the central commercial service corridor on West Lynn from 10th to 13th Streets ("Downtown Clarksville") (p 23)

Goal 2 - Protect the Character of the Neighborhood (pg 24)

Obj 2.1 – Encourage commercial uses that support the neighborhood.

- In the area South of 6thStreet (all lots south of the center line of 6th Street):
 - The neighborhood plan supports property owners' requests to rezone LI properties to W/LO, MF-1 through MF-6, and CS-CO with the Neighborhood Plan Combining District special use category "Neighborhood Mixed Use Building" (for the CO, see list of uses identified as restricted in this plan under item #5).
 - No rezonings to a commercial category more permissive than CS-CO (as specified under item #5) should be permitted, except as noted above for LI properties.
 - On the south side of 6thStreet, for the lots fronting on 6th, no zoning changes to a more permissive base district should be permitted. Rezoning that do not change the base district but add mixed use capability should be permitted, if the existing building and character are maintained. Preservation of existing single-house structures is strongly encouraged. (p 31)

The OWANP appears to support commercial development along W. 6th but does not support upzoning, which is this case is requesting. The plan also highly encourages the preservation of the existing single family structures along W. 6th Street to maintain the historic and architectural integrity of this area of Austin.

Imagine Austin

The property is located over the Edwards Aquifer Recharge Zone, as identified on the Imagine Austin's Environmental Resources Map, found in the Image Austin Comprehensive Plan (IACP). The property is also located along an 'Activity Corridor', (W.6th Street) as identified on the Imagine Austin's Growth Concept Map. Activity Corridors are characterized by a variety of activities and

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types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

Based on this project being: (1) located near existing commercial and offices uses along W. 6th Street; (2) partially supported by text, goals and objectives in the Old West Austin Neighborhood Plan that supports neighborhood serving commercial uses along 6th Street but not the upzoning of properties; and (3) located along a designated 'Activity Corridor', as identified on the Imagine Austin Growth Concept Map, which supports a mix of land uses, including retail, the IACP appears to support this project as long as environmental ordinances are enforced over this environmentally sensitive area.

Environmental – Mike McDougal, 512-974-6380

The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Ladybird Lake 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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

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.

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.

Transportation, Ivan Naranjo – 512-974-7649

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]

W. 6th Street is classified in the Bicycle Plan as Bike Route No. 52.

Capital Metro bus service (Route No. 021) is available along W. 6th Street.

There are existing sidewalks along W. 6th Street.

Water and Wastewater – Bradley Barron, 512-974-0078

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.

Storm Water 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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Site Plan and Compatibility Standards – Scott Grantham, 512-974-2942

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 Site is located in a Capitol View Corridor Overlay, specifically, the MoPac Bridge Corridor. In a Capitol view corridor, a structure may not exceed the elevation of the plane delineating the corridor. The height limitation exceptions of Section 25-2-531 (Height Limitation Exceptions) do not apply to this subsection.

The Site is located in the National Register of Historic Districts Overlay, specifically the West Line District. See 25-11-213, Building, Demolition, and Relocation Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures or Sites.

COMPATIBILITY - The site is located approximately 150 feet from a Single Family use on the northeast corner, across W. 6TH Street and approximately 115 feet from a Single Family use on the southeast corner across Oakland Avenue. This will trigger some compatibility standards for the north, east, and south lot lines.

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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:

<http://www.austintexas.gov/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: C14-2015-0044
Contact: Tori Haase, 512-974-7691
Public Hearing: May 12, 2015, Planning Commission
June 11, 2015, City Council

Kathleen Labay / Mrs. Lambert Labay
Your Name (please print)

705 W. Lynn St. 78703
Your address(es) affected by this application

Austin TX

I am in favor
 I object

Signature _____ Date _____

Daytime Telephone: _____

Comments: _____

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

City of Austin
Planning & Zoning Department
Tori Haase
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2015-0044
Contact: Tori Haase, 512-974-7691
Public Hearing: May 12, 2015, Planning Commission
June 11, 2015, City Council

Kathleen Ditzler Leary POA.
Your Name (please print)

611 W. Lynn St.
Austin TX 78703
Your address(es) affected by this application

I am in favor
 I object

Daytime Telephone: _____ Signature _____ Date _____

Comments: _____

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

City of Austin
Planning & Zoning Department
Tori Haase
P. O. Box 1088
Austin, TX 78767-8810