

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0078 –
1411 West 5th Street and 403 Paul Street Rezoning

P.C. DATE: September 8, 2015

ADDRESS: 1411 West 5th Street and 403 Paul Street

DISTRICT AREA: 9

OWNER/APPLICANT: Matthews-Barnes Brothers Investments, LP (Duke, Danay, Rox Covert)

AGENT: Armbrust & Brown, LLP (Richard Suttle)

ZONING FROM: LI-CO-NP

TO: LI-PDA-NP

AREA: .51 acres (22, 216 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services–planned development area–neighborhood plan (LI-PDA-NP) combining district, zoning with the following conditions:

1. The Planned Development Agreement will prohibit the following uses:

Drop-Off Recycling Collection
Facility
Exterminating Services
Kennels
Vehicle Storage
Resource Extraction
Basic Industry
General Warehousing and Distribution
Recycling Center

Scrap and Salvage
Agricultural Sales and Services
Bail Bond Services
Building Maintenance Services
Funeral Services
Campground
Custom Manufacturing
Light Manufacturing

2. The Planned Development Agreement will make the following uses conditional:

Automotive Rentals
Automotive Sales
Automotive Washing (of any type)
Equipment Repair Services

Maintenance and service facilities
Equipment Sales
Service Station
Limited warehousing and distribution

3. The Planned Development Agreement will establish the following development standards:

- a. 85% maximum impervious cover
- b. floor to area ratio of 4.4:1
- c. minimum 2ft. interior/side yard setback
- d. minimum 25ft. setback from the north property line for an above ground structure or building
- e. minimum 20ft. setback from the south property line for an above ground structure or building

4. The Planned Development Agreement will limit the number or vehicle trips to 2,000 per day.

5. A site plan for this property must include a minimum of 3,000 square feet of commercial or retail uses on the ground floor.

Additionally, the Applicant is seeking to prohibit outdoor amplified music as well as the issuance of late hours permits under City Code Section 25-2-808 (*Restaurants and Cocktail Lounges*) by way of a public restrictive covenant.

COMMISSION RECOMMENDATION:

August 25, 2015; *Approve Staff's request for a postponement to September 8, 2015, by consent [J. Schissler / N. Zaragoza – 2nd] (11-0) J. Stevens –Absent.*

September 8, 2015; To be reviewed. Staff will provide a revised staff report after the Planning Commission public hearing.

DEPARTMENT COMMENTS:

The subject property is currently developed with three, single story warehouse buildings that appear to be attached and are occupied by an automotive collision repair business. Additionally, there is a smaller, detached metal building towards the southern property line. The remainder of the property is paved parking lots such that the property appears to be close to 100% impervious cover. The property has driveway access from West 5th Street as well as two small curb cuts off of Paul Street and is situated directly adjacent and north of the Missouri Pacific railroad tracks.

The Applicant has requested a rezoning to LI-PDA-NP in order to develop the property with a mini-storage facility that will include 1,500 square feet of commercial/retail space on the ground floor. The existing conditional overlay on the property makes limited warehousing and distribution uses as well as convenience storage uses conditional. With the zoning request, the Applicant seeks to change these uses from conditional to permitted uses and has requested that the following uses be prohibited in the PDA:

Basic Industry
Exterminating Services
Kennels
Resource Extraction
Vehicle Storage

Drop-off recycling and collection facilities
General warehousing and distribution
Recycling Center
Scrap and Salvage

The Applicant has agreed to keep the following uses conditional:

Automotive rentals
Automotive washing (of any type)
Equipment sales
Service station

Automotive sales
Equipment repair services
Maintenance and services facilities

As set forth in Land Development Code Section 25-2-441, the regulations of a planned development area (PDA) may modify: 1) permitted or conditional uses authorized by the base district, 2) site development regulations except for compatibility standards, and 3) off-street parking or loading regulations, sign regulations or screening regulations applicable in the base district. The Applicant's PDA would:

- 1) permit limited warehousing and distribution use as well as convenience storage use

2) would modify the LI site development regulations as follows:

- 85% maximum impervious cover
- floor to area ratio of 4.4:1
- minimum 2ft. interior/side yard setback
- minimum 25ft. setback from the north property line for an above ground structure or building
- minimum 20ft. setback from the south property line for an above ground structure or building

Similar to negotiations with the Neighborhood on a recent and similar zoning case (C14-2014-0134), the Applicant has offered to prohibit outdoor amplified sound and also prohibit any business at this property from obtaining a late hours permit.

In reviewing the rezoning request, Staff identified a number of factors that will influence redevelopment of the subject properties in some way. The northwestern corner of the property is traversed by a Capitol View Corridor. While the area affected by the CVC is small, it is nevertheless something that will have to be taken into consideration when determining the height of new development on this portion of the property. Additionally, West 5th Street is identified as a Core Transit Corridor as well as an Imagine Austin Activity Corridor. Both corridor types require design elements that will encourage and improve pedestrian mobility as well as draw people to use the public space creating a lively street environment. To better support this effort, the Applicant has agreed to give an additional 10 feet to the minimum 15 feet required for sidewalks along West 5th Street, for a total of 25 feet.

As related, Staff has concerns that 1,500 sq. ft. of commercial retail space is not sufficient to encourage a lively street environment which is something the Old West Austin Neighborhood would like to accomplish with new development on West 5th Street. Therefore, Staff recommends a condition that any site plan approved for this property shall include at least 3,000 square feet of commercial/retail use on the ground floor that is not associated with the operations of the proposed storage facility. The Applicant is agreeable to this condition.

There are certain uses that are permitted in the LI zoning district that Staff believes are not compatible with existing uses or are not appropriate for this site considering its geographical location. Therefore, Staff is proposing the additional prohibited uses as follows:

Agricultural Sales and Services
Bail Bond Services
Building Maintenance Services
Funeral Services

Campground
Custom Manufacturing
Light Manufacturing

Staff finds that limited warehousing and distribution, currently a conditional use, would not be appropriate, in most cases, for this area. Therefore, Staff recommends that this use remain conditional so that any such use proposed in the future would require approval by the Commission through the conditional use permit process.

With these conditions, Staff recommends the applicant's request for LI-PDA-NP zoning because the proposed zoning is compatible and consistent with the surrounding commercial and retail uses in the area and is a reasonable use of the property at this location, adjacent to the railroad tracks and on W.

5th Street which is characterized by a mix of uses that serve the neighborhood as well as the greater area.

ISSUES: None at this time.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO-NP	Automotive Repair Services
<i>North</i>	CS-MU-V-CO-NP	Day Care Services
<i>South</i>	CS-CO-NP	Warehouse
<i>East</i>	LI-CO-NP	Personal Improvement Services (Rogue Running / 410 Speedshop)
<i>West</i>	LI-CO-NP	Automotive Sales (Jaguar and Land Rover dealership)

NEIGHBORHOOD PLANNING AREA: Old West Austin **TIA:** not required

WATERSHED: Lady Bird Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: Yes

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

SCHOOLS: Matthews Elementary O Henry Middle School Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2014-0134 ; 1301 W 5 th Street	LI-CO-NP to LI-PDA-NP	To grant LI-PDA-NP with conditions (10/28/2014).	Approved LI-PDA-NP; limited to 2,000 trips/day; vehicular access to West 5 th Street prohibited; Multi-family residential use is permitted; made certain uses conditional and prohibited other uses; established specific site development standards for building setback, height, FAR, and building coverage and impervious coverage. A public RC prohibits outdoor amplified music and late hours permits.
C14-2013-0101; Found Upscale Women's Boutique – 501 Oakland Avenue	LO-V-NP to GR-V-CO-NP with a list of prohibited uses.	To grant GR-V-CO-NP with a list of prohibited uses (10/22/13).	Approved GR-V-CO-NP zoning with a list of prohibited uses; building coverage to not exceed; building coverage to not exceed 30%; drive in service is prohibited as an accessory use (11/21/13).
C14-2012-	LI-CO-NP to	To grant CS-CO-NP with a list	Approved CS-CO-NP zoning with

0015; Pressler Park II – 315 Pressler Street	CS-NP	of prohibited uses (03/13/12).	commercial use not exceeding 10% of gross floor area; a list of conditional uses; prohibiting adult oriented businesses, exterminating services, drop-off recycling collection facilities, and cocktail lounge (08/02/12).
C14-2012-0008; Pressler Park – 300 Pressler Street	LI-CO-NP & CS-1-MU-CO-NP to CS-NP	To grant CS-CO-NP prohibiting cocktail lounge (03/13/12).	Approved CS-CO-NP zoning; commercial use may not exceed 10% of gross floor area; a list of conditional uses; prohibiting cocktail lounge, adult oriented businesses, adult lounges; exterminating services, drop-off recycling collection facilities, and cocktail lounge drop (08/02/12).
C14-2007-0237; Old West Austin Vertical Mixed Use Building Opt-in/Opt-out process. Bound by Enfield Road and West 15 th Street on the north, North Lamar Boulevard on the east, Lady Bird Lake on the south and North MoPac Expressway on the west.	To add V zoning to certain tracts within the Old West Austin NPA, as requested by the Neighborhood's application.	To grant V zoning (02/12/2008)	Approved the addition of V zoning on 33 tracts of land with 10% of rental units at 70%MFI, 10% of rental units at 80%MFI for properties with units that at least 1000sf and have at least 2bedrooms; exempt from dimensional standards; subject to parking reductions; additional uses allowed in office districts (03-06-2008).
C14-2007-0057; Pressler – 1304-1316 West 5 th Street and 507 Pressler Street	CS-MU-CO-NP for an early opt-in determination for VMU options	To grant (06/12/07)	Apvd with exemption from dimensional standards; subject to parking reductions; with affordable housing requirements as agreed with n-hood (06/21/07).
C814-96-0001; West 6 th St. Public Storage PUD - 1213 W 6 th	CS to PUD	APVD PUD SUBJ TO CONDS (10/08/96)	Apvd with permitted and conditional GR uses; established site development standards including max F.A.R. of 0:25:1, max height of 40'; 90%

Street			impervious cover max; min 10' front yard setback; no min. side or rear yard setback; max bldg. coverage of 45%; max 2 driveway cuts and no more than 2090 vehicle trips/day.
C814-96-0002; West 5 th St. Public Storage PUD - 1300 W 5 th Street	CS to PUD	APVD PUD SUBJ TO CONDS (10/08/96)	Apvd with permitted and conditional CS uses; established site development standards including max F.A.R. of 2:68:1 for convenience storage only, max height of 55'; 90% impervious cover max; min 10' front yard setback; no minimum side or rear yard setback; max bldg. coverage of 45%; max 1 driveway cut and no more than 250 vehicle trips/day.

RELATED CASES:

The subject properties are platted as Lots 7-12 of Block 1, of the Pressler's Subdivision, a part of Outlot 1, Division Z, City of Austin recorded on December 14, 1900, in Volume 2, Page 137 of the Travis County Plat records.

The subject properties are within the boundaries of the Old West Austin Neighborhood Planning Area (C14-02-0112 – Ord# 020926-26) and are collectively identified as tract 50 in the rezoning ordinance. Specific to these properties, the ordinance established certain uses as conditional. The ordinance also allows development of the subject properties as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the City of Austin Land Development Code.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
W. 5 th Street	60'	45'	Arterial	Yes	Yes	Yes

CITY COUNCIL DATE:

September 10, 2015

ACTION:

ORDINANCE READINGS: 1st

2nd

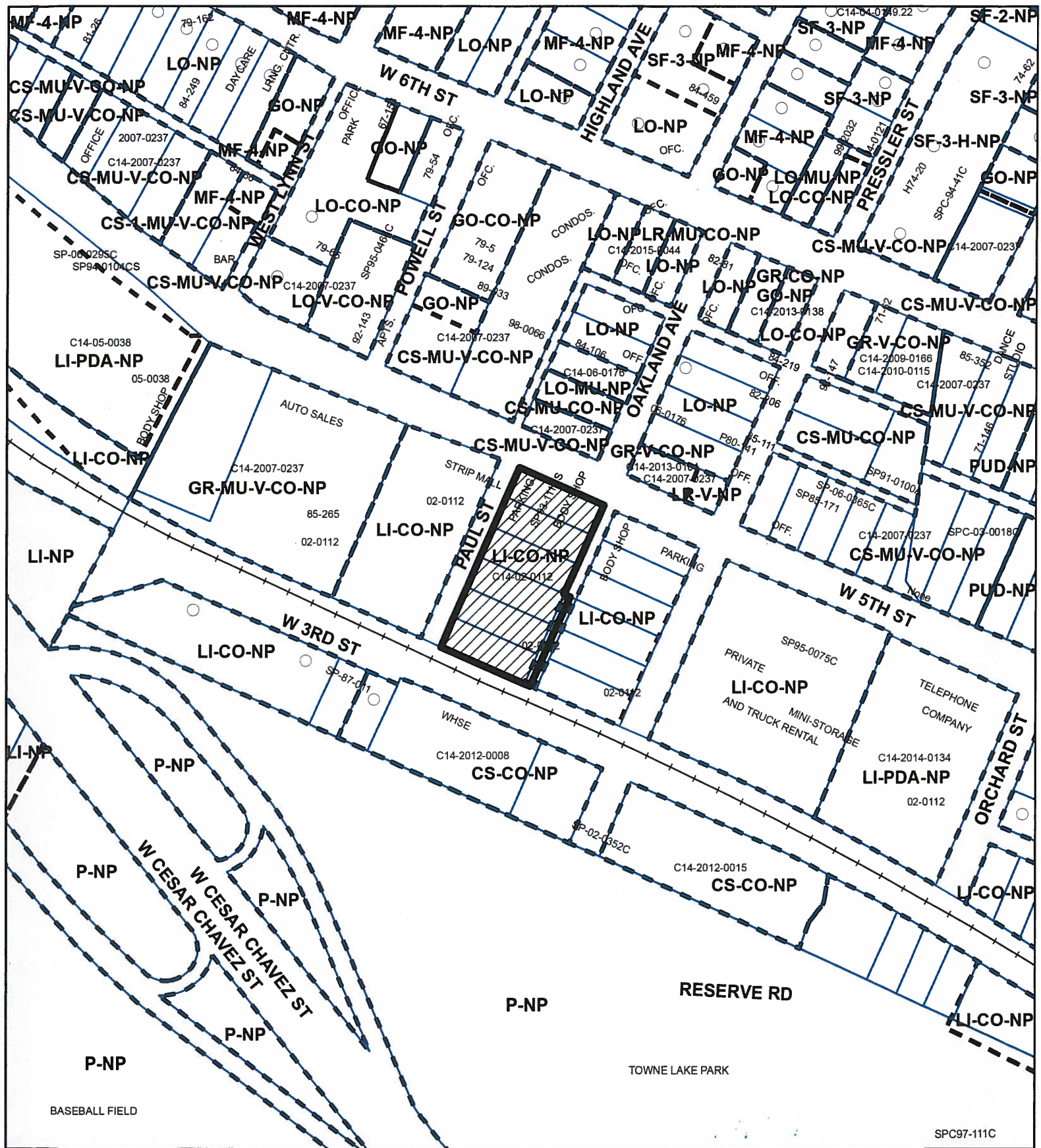
3rd

ORDINANCE NUMBER:

CASE MANAGER: Victoria Haase




PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov



SPC97-111C



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
CASE#: C14-2015-0078

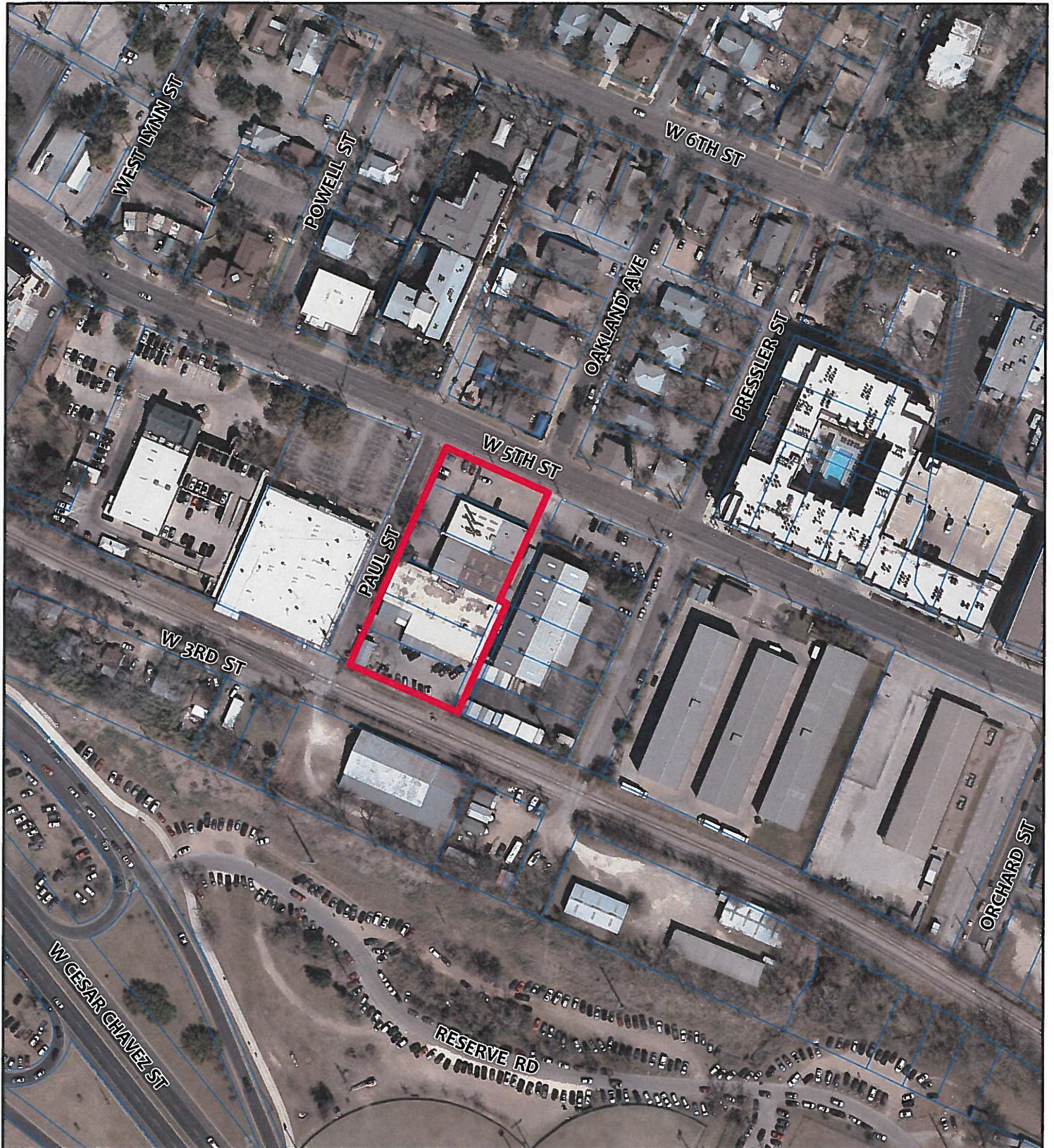
Exhibit A



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.

1" = 200'



ZONING - AERIAL

Exhibit B



Subject Property

ZONING CASE#: C14-2015-0078
 ZONING CHANGE: LI-CO-NP to LI-PDA-NP
 LOCATION: 1411 W 45th Street & 403 Paul Street
 SUBJECT AREA: .51 ACRES
 MANAGER: VICTORIA HAASE



1' = 400'

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.

STAFF RECOMMENDATION

The Staff recommendation is to grant limited industrial services–planned development area–neighborhood plan (LI-PDA-NP) combining district, zoning with the following conditions:

1. The Planned Development Agreement will prohibit the following uses:

Drop-Off Recycling Collection Facility	Scrap and Salvage
Exterminating Services	Agricultural Sale and Services
Kennels	Bail Bond Services
Vehicle Storage	Building Maintenance Services
Resource Extraction	Funeral Services
Basic Industry	Campground
General Warehousing and Distribution	Custom Manufacturing
Recycling Center	Light Manufacturing

2. The Planned Development Agreement will make the following uses conditional:

Automotive Rentals	Maintenance and service facilities
Automotive Sales	Equipment Sales
Automotive Washing (of any type)	Service Station
Equipment Repair Services	Limited warehousing and distribution

3. The Planned Development Agreement will establish the following development standards:

- a. 85% maximum impervious cover
- b. floor to area ratio of 4.4:1
- c. minimum 2ft. interior/side yard setback
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4. The Planned Development Agreement will limit the number of vehicle trips to 2,000 per day.

5. A site plan for this property must include a minimum of 3,000 square feet of commercial or retail uses on the ground floor.

Additionally, the Applicant is seeking to prohibit outdoor amplified music as well as the issuance of late hours permits under City Code Section 25-2-808 (*Restaurants and Cocktail Lounges*) by way of a public restrictive covenant.

BASIS FOR RECOMMENDATION

A planned development area (PDA) agreement is intended to provide for industrial and commercial uses in certain commercial and industrial base districts such as LI. A PDA combining district may establish regulations that modify permitted and conditional uses, certain site development regulations, and off-street parking or loading regulations, sign regulations, or landscaping or screening regulations applicable in the base district.

The PDA proposed for this site meets the criteria of having industrial base district zoning and also meets the intention of providing a commercial use.

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

The proposed zoning and use is compatible with the surrounding mix of commercial, retail and high density residential uses along W. 5th Street.

2. *Granting of the request should result in an equal treatment of similarly situated properties.*

In 2014, a similarly situated property along on the south side of W. 5th Street and adjacent to the rail road tracks, was rezoned from LI-CO-NP to LI-PDA-NP (C14-2014-0134 / Ord. # 20141211-163). While the projects differ in uses, multi-family/mixed use compared to mini-storage, the rezoning to PDA is consistent and is reasonable for this location.

EXISTING CONDITIONS

Site Characteristics

The subject properties are developed with several metal warehouses that appear to be attached. The remainder of the property is covered with asphalt for parking. There are a few trees located along the eastern property line that do not appear to qualify as protected. There is little to no additional vegetation and there do not appear to be any topographic constraints of the properties.

Impervious Cover

Impervious cover limitations for the subject property are dictated by the zoning district. Limited Industrial (LI) zoning district establishes a 80% impervious cover limit. The Applicant has requested to increase the impervious cover limit to 85% as a condition of the planned development area agreement (PDA) proposed for this site.

Environmental – Mike McDougal, 512-974-6380

1. 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to 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.

DSD Transportation – Bryan Golden, 512-974-3124

- TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR2. 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]
- TR3. This project is adjacent to a street where the curb is proposed to be moved to achieve superior bicycle facilities (see GIS file). Staff will contact Nathan Wilkes, Bicycle Program, ATD for guidance for the proper alignment.

Water and Wastewater – Neil Kepple, 512-972-0077

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, water or wastewater easements, 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 and suitability for operation and maintenance. 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

SP 1 Site plans will be required for any new development other than single-family or duplex residential.

SP 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.

CORE TRANSIT CORRIDOR

SP 3 FYI – The Site is on West 5th Street, which is a Core Transit Corridor in Subchapter E.

CAPITOL VIEW CORRIDORS OVERLAY

SP 4 The northwest corner of the site is in a Capitol View Corridor (MoPac Bridge – SDCC). The portion in the Capitol View Corridor extends approximately 70 feet south from the northwest corner, and approximately 125 feet east from the northwest corner. 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. A formal Capital View Corridor determination application will be required.

COMPATIBILITY STANDARDS

SP 5 There are education and single family uses to the north, and parks and single family uses to the south. Along the north and south 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 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 of height are allowed 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/planning.

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: C14-2015-0078

Contact: **Tori Haase, 512-974-7691**

Public Hearing: **Aug 25, 2015, Planning Commission
Sept. 10, 2015, City Council**

JJ Sayin

Your Name (please print)

1305 West 3rd Street

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: *386-864-5304*

8/24/15

☒ I am in favor
☐ I object

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