

**CITY COUNCIL SUMMARY SHEET OF AN APPEAL OF
PLANNING COMMISSION APPROVAL OF
A CONDITIONAL USE PERMIT**

CASE NUMBER: SPC-2014-0220A **PLANNING COMMISSION DATE:** 6-23-2015

ADDRESS: 1500 San Jacinto Bv.

PROJECT NAME: Austin Megabus

DISTRICT: 1

WATERSHED: Waller Creek (Urban)

LEGAL: E. 79' of the South 128' of Block 54, Div. E, Original City of Austin

AREA: .23 Acres

NEIGHBORHOOD PLAN: Downtown

EXISTING ZONING: CS-NP

PROPOSED USE: Transportation Terminal

APPLICANT: Megabus Southwest (Rich Funke)
1400 E. Houston Street
San Antonio, TX 78202
(210) 240-9694

OWNER: San Jacinto, LLC. (Bob Woody)
2204 Point Bluff Dr.
Austin, TX 78746

AGENT: Land Use Solutions, LLC. (Michele Haussmann)
(512) 212-4114

NEIGHBORHOOD ORGANIZATION:

438- Downtown Austin Alliance
767- Downtown Austin Neighborhood Coalition
1037-Homeless neighborhood Association
1200- Super Duper Neighborhood Objectors
and Appealers Association
402- Downtown Austin Neighborhood Assn. (DANA)

AREA STUDY: N/A

APPLICABLE WATERSHED ORDINANCE: Comprehensive

CAPITOL VIEW: Not in View Corridor

SUMMARY STAFF ANALYSIS: Site plan meets all code requirements and calculations

PLANNING COMMISSION ACTION: 6-9-2015 Postponed 5-0;
6-23-2015, approved 7-0 w/ these conditions:

- 1) Facility will be staffed during operational hours;
- 2) Megabus will use an alternate location during special events that include road closures;
- 3) Megabus will install "No Parking" and "Will Tow" signs throughout the site and where requested by adjacent property owners and will educate customers on appropriate and legal places to park nearby;
- 4) Megabus will adhere to the City's idling regulation and will load/un load buses on the east side of the existing building, in front of the canopy;
- 5) No more than 1 bus will be scheduled to arrive at the site at a time;
- 6) All automobiles will exit the site onto 15th Street;
- 7) Indoor seating will be provided on site;
- 8) Indoor restrooms will be provided on site;
- 9) The existing structure will be renovated and maintained;
- 10) Megabus will not use a public address system or any amplified sound;
- 11) The hours of operation will be 6 am to midnight;
- 12) Megabus agrees to close the east driveway on 15th Street (the one closest to the corner) but will maintain the other driveways as they currently exist;
- 13) Megabus agrees to install striping and bollards to provide directional control of vehicles;
- 14) Megabus will prohibit buses from 4:00 pm to 6:00 pm, Monday through Friday only;
- 15) Megabus will not oppose road closures for existing special events;
- 16) Megabus will return to the Planning Commission in one year to report on the status of their business and the impact of these conditions.

CASE MANAGER: Lynda Courtney Telephone: 512- 974-2810
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PROJECT INFORMATION:

EXIST. ZONING: CS-NP

EXISTING USE: Vacant

GROSS SITE: .2321 Acres

EXIST. BLDG. COVERAGE: 1531 SF

ZONING-ALLOWED IMPERV. CVRG.: 95%

REQUIRED PARKING: 8

ALLOWABLE FAR: 2:1

PROPOSED USE: Transportation Terminal

LIMITS OF CONSTRUCTION: .218 Acres

PROP. BLDG. CVR: 1531 SF

EXISTING IMP. CVR: 93.97%

PROPOSED PARKING: 10

PROPOSED F.A.R.: .15:1

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
15 th Street	100'	70'	Arterial
San Jacinto	80'	56'	Collector

SUMMARY COMMENTS ON SITE PLAN:

PROPOSED DEVELOPMENT: *The applicant is requesting approval of a Conditional Use Permit to change the use of a vacant building (previous use was a restaurant) to allow Transportation Terminal facilities for the Megabus passengers.*

Current conditions consist of an asphalt- paved lot, with 93.97% impervious cover consisting of a small building with parking lot. The building was built originally as a service station with extended awnings, and was later operated as a restaurant without architectural change to the building. This proposal is for a change of use only. No construction is proposed with this Conditional Use permit.

Ticketing information, restrooms and waiting area are provided for customers within the existing building, which is typically open daily from 6 a.m. until 12 a.m.

EXISTING ZONING: CS. CS (General Commercial Services) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are typically incompatible with residential environments.

The proposed use is conditionally allowed as a permitted use in the zoning district.

Transportation: Complies with all transportation requirements with regards to the Land Development Code. Austin Transportation Department and Land Use Review approved an administrative waiver for the existing driveways.

An updated and new easement for access to the adjacent multifamily property is approved and will be added to the plans. It is to ensure the continued and ongoing protection of the unimpeded access for the multifamily residents.

Environmental: This site is located in the Waller Creek watershed, identified as an urban watershed. No issues with this proposal.

SUMMARY COMMENTS REGARDING ACTION ON THE APPEAL:

- 1)The Council may act on the appeal by a vote to uphold the appeal, which causes a denial of the CUP, as originally submitted, and the site plan expires.
- 2)The Council may act on the appeal by a vote to deny the appeal and to add or change conditions to the site plan, which causes an approval of the CUP, with additional conditions as specified, or a reduction of the original conditions, as specified. The applicant then has 180 days to comply with the conditions of the CUP.
- 3)The Council may act on the appeal by a vote to deny the appeal, which upholds the original decision of the Planning Commission, which approved the CUP. The applicant then has 180 days to comply with the conditions of the CUP.

SURROUNDING CONDITIONS:

Zoning/ Land use: CS, General Commercial Services

North: MF-5, Parking

East: San Jacinto Bv., then CS, Parking

South: 15th Street, then MF-5, Office

West: CS, Multifamily

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: "The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

A conditional use site plan must:

1. **Comply with the requirements of this title;** Staff response: This application complies with the requirements of this title.
2. **Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the zoning district. The uses as shown are permitted uses, consistent with this zoning district. CS generally has more intense commercial or industrial uses with increased traffic service requirements. Uses in the area are mixed, with office, multifamily and commercial parking uses surrounding the site.
3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;** Staff response: Current property is one-story and is compatible with the use of abutting sites. No additional construction is proposed. Traffic circulation access is proposed to be on-site maneuvering for the bus traffic, to and from San Jacinto Boulevard. Access to the multifamily property adjacent to this site is being protected with an updated permanent access easement recorded in county records.
4. **Provide adequate and convenient off-street parking and loading facilities;** Staff response: Adequate and convenient off-street parking has been fully provided in compliance with LDC standards for this site. Land Development Code requires 8 spaces for this use, and the applicant is proposing 10 spaces.
5. **Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project has associated noise and fumes as related to any bus operation. The proposed access along San Jacinto is on the opposite side of the property, farthest away from the closest residents, who reside in the multifamily units immediately to the west of the proposed site. There is already a Capital Metro bus stop at this corner, on the street immediately adjacent to this proposal.

A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The site plan will conform with all regulations and standards established by the Land Development Code. The operation of bus arrivals and departures creates activity on the site during these times of operation, and proposed conditions for the operation of this use are to ameliorate any potential noise or disturbance to nearby neighbors. The bus access is located on the eastern side of this property, completely away from the multifamily building to the west of this property.

2. **adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: Development of this site will not adversely affect the safety or convenience of vehicular or pedestrian circulation. A separate access easement is provided for the exclusive use, convenience, and safety of the adjacent multifamily property. Traffic flow has been analyzed and directed to avoid vehicular or pedestrian conflicts. One driveway is proposed to be closed.
3. **adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: The proposed project does not affect adjacent properties or traffic control through its location, lighting or type of signs. Lighting will be shielded and signs will comply with the sign ordinance.
4. **For a large retail use described in 25-2-815 (Large Retail Uses), adversely affects the future redevelopment of the site;** Staff response: This does not pertain to this property.