

ZONING CHANGE REVIEW SHEET**CASE:** C14-2018-0069 – South Bluff Park**Z.A.P. DATE:** August 7, 2018**ADDRESS:** 7309 South IH-35 Service Road Northbound**OWNER:** Bennett Realty Group, Inc.
(Delbert C. Bennett)**AGENT:** Mathias Company
(Richard Mathias)**ZONING FROM / TO:** CS-MU-CO, to remove certain uses from the prohibited use list**AREA:** 16.8895 acres**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning. The Conditional Overlay prohibits adult-oriented businesses, bail bond services, pawn shop services and vehicle storage, and limits density to 36 residential units per acre.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

August 7, 2018:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject lot proposed for rezoning is undeveloped, accesses the IH-35 frontage road and has access to Bluff Springs Road by way of a shared 32 foot wide commercial driveway. In March 2010, the subject lot and the abutting 20.87 acres to the east was zoned general commercial services – mixed use – conditional overlay (CS-MU-CO). The Conditional Overlay prohibits several land uses and limits residential density to 36 units per acre. There is an adult-oriented use, apartments and campground to the north (CS-CO; I-RR; SF-3); an AISD bus depot / repair facility and apartments to the east (CS-MU-CO); and an auto repair business and apartments to the south (GR-CO; MF-4-CO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (2010 Zoning Ordinance).

The Applicant proposes to rezone the property to remove six land uses from the prohibited use list: automotive rentals; automotive repair services, automotive sales, automotive washing (of any type), convenience storage and service station. The remaining four prohibited uses (adult-oriented businesses, bail bond services, pawn shop services and vehicle storage) as originally offered by the Applicant in 2008-2010, and the density cap would remain.

At the time the rezoning case was filed in May 2008, the property was an unplatted 60.5 acre tract and extended between the northbound IH-35 service road and Bluff Springs Road. The prohibited auto-related uses may have been based on the proximity of the residential subdivisions on the east side of Bluff Springs Road. The 60 acre tract was subsequently platted in 2014 and the request to modify the Conditional Overlay only applies to the 16+ acre lot that has IH-35 frontage.

Staff recommends the Applicant's request to change the Conditional Overlay based on the following considerations of the property: 1) location on the northbound IH-35 frontage road and auto-related uses are suitable and compatible with established commercial uses in the area; 2) a multifamily component would be consistent with the zoning and use of the adjacent property to the north, east and south.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|-------------------|---|
| <i>Site</i> | CS-MU-CO | Undeveloped |
| <i>North</i> | CS-CO; I-RR; SF-3 | Adult-oriented business; Apartments; Campground |
| <i>South</i> | GR-CO; MF-4-CO | Automobile body shop; Apartments |
| <i>East</i> | CS-MU-CO | AISD bus depot / repair facility; Apartments |
| <i>West</i> | N / A | Northbound lanes of the IH 35 frontage road |

AREA STUDY: N / A

TIA: Is not required

WATERSHED: South Boggy Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

96 – Southeast Corner Alliance of Neighborhoods 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association
 646 – Circle S. Ridge Neighborhood Association 742 – Austin Independent School District
 948 – South by Southeast Neighborhood Organization
 1228 – Sierra Club, Austin Regional Group 1258 – Del Valle Community Coalition
 1363 – SEL Texas 1408 – Go Austin / Vamos Austin (GAVA) – Dove Springs
 1424 – Preservation Austin 1429 – Go!Austin / Vamos!Austin (GAVA)-78745
 1431 – Indian Hills Neighborhood Watch 1438 – Dove Springs Neighborhood Association
 1441 – Dove Springs Proud 1528 – Bike Austin
 1530 – Friends of Austin Neighborhoods 1531 – South Austin Neighborhood Alliance
 1550 – Homeless Neighborhood Association 1578 – South Park Neighbors
 1616 – Neighborhood Empowerment Foundation

SCHOOLS:

Perez Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---|--|---|--|
| C14-84-457(RCA) – Chrysler Auto Dealership n6905 South IH 35 Service Road Northbound | To Delete the Restrictive Covenant as it applies to the property | To Terminate the RC as it applies to the subject property but retain a restriction that prohibits pawn shops and residential treatment uses. | Approved an Amendment to the RC as the Commission recommended (4-30- 2009). |
| C14-2008-0211 - The Waters at Bluff Springs – 7707 South IH-35 Service Road Northbound | I-RR; GR to MF- 4 | To Grant MF-4-CO with the CO limiting height to 45 feet and 2,000 vehicle trips per day. | Approved MF-4-CO as Commission recommended (11-20- 2008). |
| C14-04-0128 – 7501 Conn – 7501 South IH-35 Service Road Northbound | I-RR to GR | To Grant GR-CO with the CO prohibiting building openings for access purposes other than emergency access from facing the east property line, and limiting development to 2,000 trips per day. | Approved GR-CO with the CO for vehicle trips and an RC for access and (10-07-2004). |
| C14-93-0086 – Leon's South – 7111 South IH 35 Service Road Southbound | SF-2 to LI | To Grant CS-CO | Approved CS-CO with CO limiting general retail sales (general) to 20,000 s.f. and prohibiting financial services, food sales, restaurants, and service station (9-02- 1993). |

RELATED CASES:

That portion of the property within 200 feet of the IH 35 frontage was annexed into the City limits on June 3, 1982 (C7A-80-023) and was zoned GR in November 1988 (C14R-86-327 / 328). The remainder was annexed into the full-purpose City limits on December 31, 2001 (C7A-01-017).

The property is platted as Lot 1 of the Bennett Tract Subdivision, recorded on November 5, 2014 (C8-2013-0155.0A). Please refer to Exhibit B.

There is an inactive site plan for a multi-family development, with associated parking, utilities, fire access, pedestrian access, water quality and detention facilities, and amenities including a clubhouse, swimming pool and natural area (SP-2017-0437C).

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Capitol Metro (within ¼ mile) |
|--------------------------------|----------|----------|----------------|-----------|------------------|-------------------------------|
| Bluff Springs Road | 82 feet | 50 feet | Arterial | No | No | Yes |
| IH 35 Northbound Frontage Road | 300 feet | 290 feet | Highway | No | Yes, shared lane | No |

CITY COUNCIL DATE: August 30, 2018

ACTION:

ORDINANCE READINGS: 1st

2nd

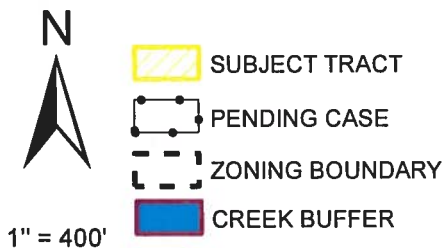
3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719





SOUTH BLUFF PARK

EXHIBIT A-1

ZONING CASE#: C14-2018-0069
 LOCATION: 7309 IH 35 SERVICE RD NB
 SUBJECT AREA: 16.8895 ACRES
 GRID: G15
 MANAGER: WENDY RHOADES

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.



ORDINANCE NO. 20100311-052

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 7309 SOUTH IH-35 SERVICE ROAD NORTHBOUND AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT AND COMMUNITY COMMERCIAL (GR) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts from interim-rural residence (I-RR) district and community commercial (GR) district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in **Zoning Case No. C14-2008-0123**, on file at the Planning and Development Review Department, as follows:

Being 60.597 acres of land consisting of a 54.597 acre tract of land and a 6.0 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, in Travis County, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 7309 South IH-35 Service Road Northbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. The following uses are prohibited uses of the Property:

| | |
|----------------------------------|--------------------------------|
| Adult-oriented businesses | Automotive rentals |
| Automotive repair services | Automotive sales |
| Automotive washing (of any type) | Bail bond services |
| Convenience storage | Commercial blood plasma center |
| Pawn shop services | Service station |
| Vehicle storage | |

B. The maximum density is 36 residential units per acre.

C. The maximum density is 2,181 residential units.

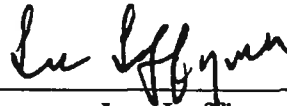
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, the mixed use (MU) combining district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on March 22, 2010.

PASSED AND APPROVED

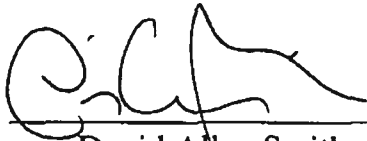
March 11, 2010

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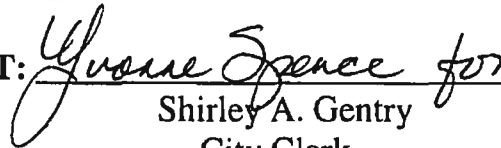
Lee Leffingwell
Mayor

APPROVED:

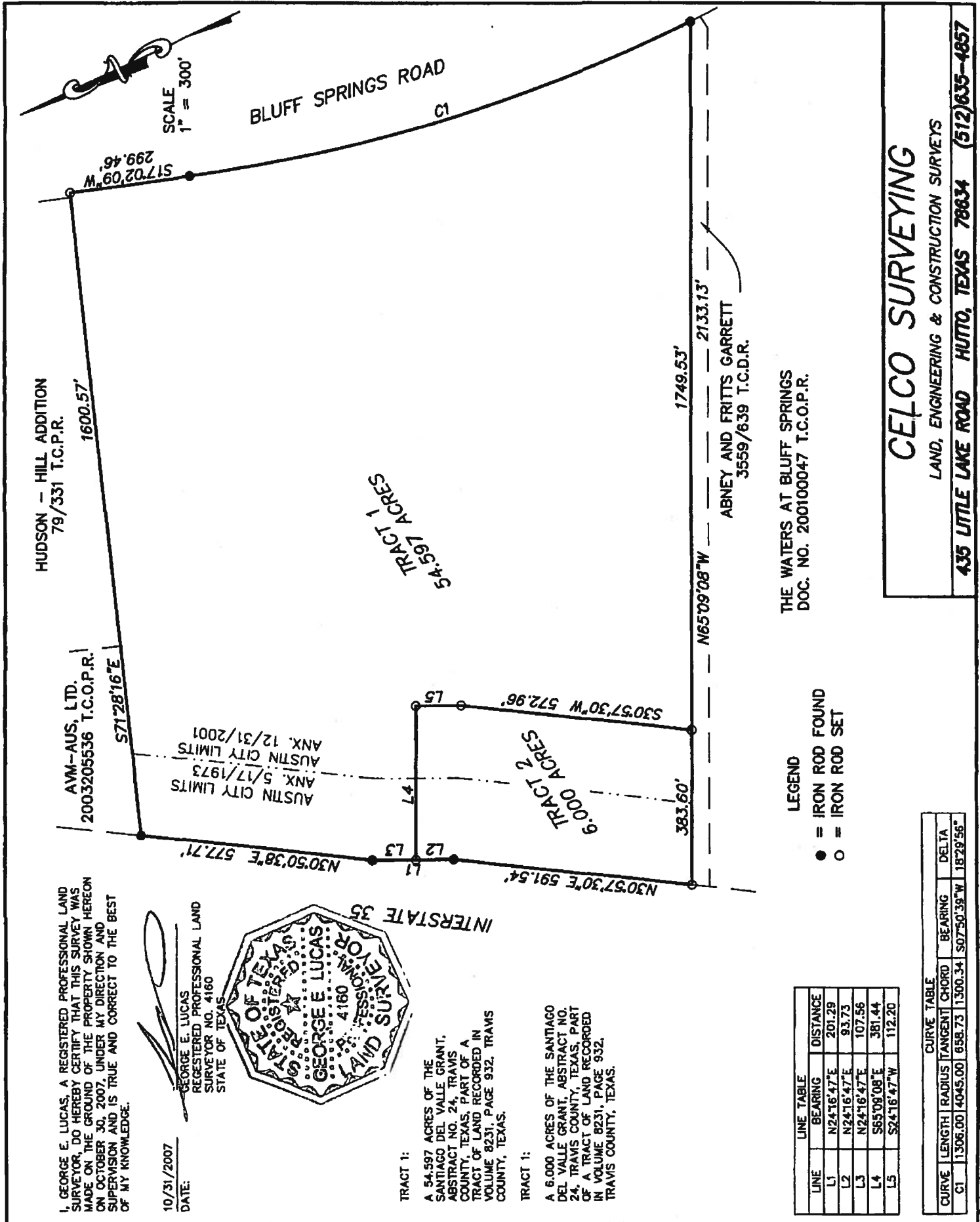


David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk



ZONING EXHIBIT D₃

ZONING CASE#: C14-2008-0123
 ADDRESS: 7309 S IH 35 SVRD NB
 SUBJECT AREA: 60.597 ACRES
 GRID: F14-15 & G14-15
 MANAGER: W. RHOADES

OPERATOR: S. MEEKS

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SUBJECT TRACT

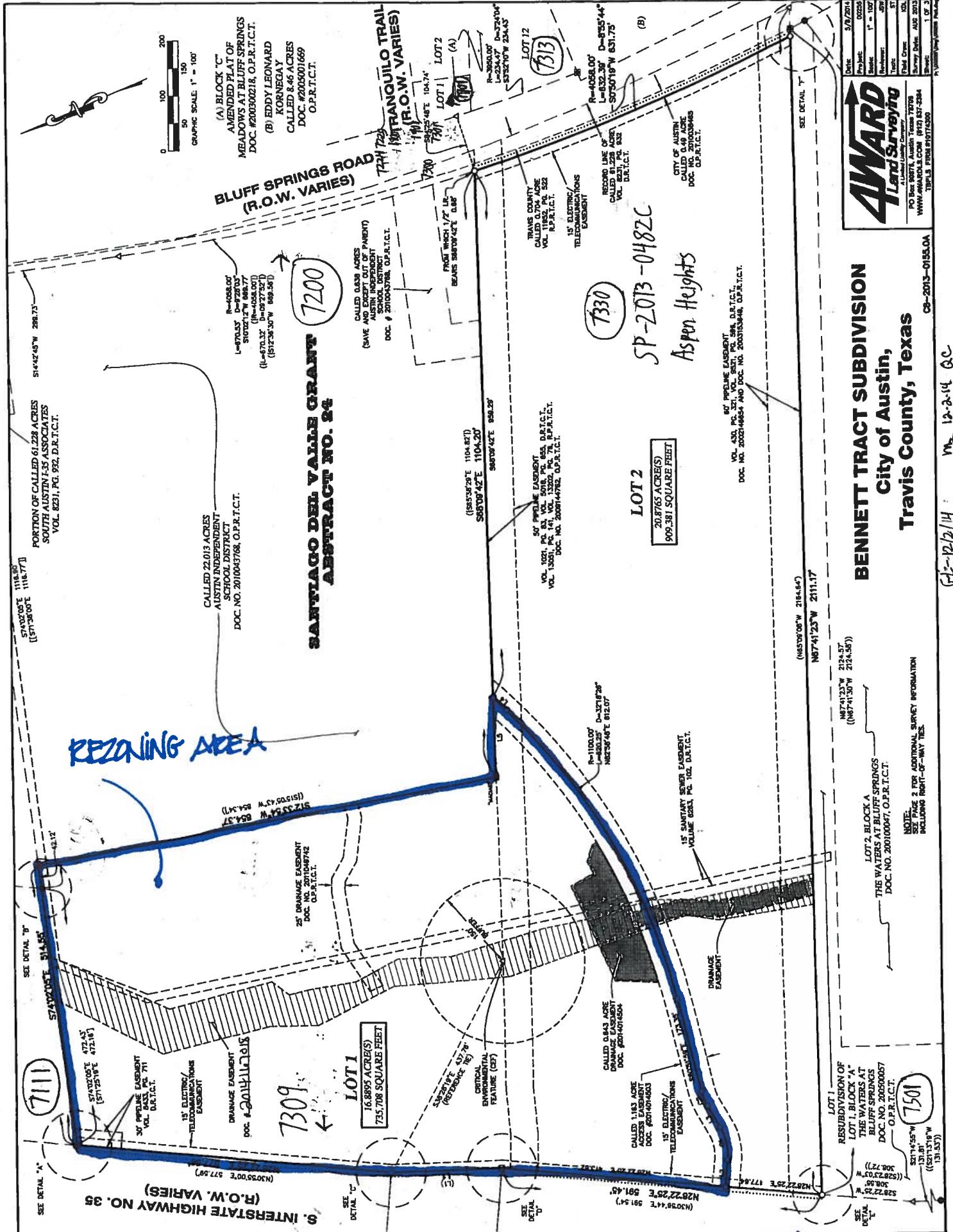


ZONING BOUNDARY



PENDING CASE

1" = 1200'



SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning. The Conditional Overlay prohibits adult-oriented businesses, bail bond services, pawn shop services and vehicle storage, and limits density to 36 residential units per acre.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

CS, General Commercial Services district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The CO, Conditional Overlay combining district 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.

The property has direct access to the IH-35 northbound frontage road and driveway access to Bluff Springs Road.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Staff recommends the Applicant's request to change the Conditional Overlay based on the following considerations of the property: 1) location on the northbound IH-35 frontage road and auto-related uses are suitable and compatible with established commercial uses in the area; 2) a multifamily component would be consistent with the zoning and use of the adjacent property to the north, east and south.

EXISTING CONDITIONS**Site Characteristics**

The subject lot is undeveloped and contains drainage easements that extend through the property in a north – south direction. Two pipelines extend in an east-west direction through the southern portion of the property as well: a 50-foot wide Exxon pipeline easement through the south-central portion and a 60 foot-wide Phillips Pipeline along the south property line.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district is 80% based on the more restrictive watershed regulations described below.

Comprehensive Planning

This rezoning case is located on the east side of IH-35 frontage road on an undeveloped lot that is approximately 16.889 acres in size, and is not located within the boundaries of an adopted Neighborhood Planning Area. Surrounding land uses include a sexually oriented business, an RV campground, a townhouse development, undeveloped land, a large auto sales center, a church, and a large shopping center to the north; undeveloped land, an auto body shop, an indoor shooting range, two large apartment complexes, and undeveloped land to the south; an AISD bus repair/storage depot, a large apartment complex, and single family housing to the east; and IH-35, a restaurant, two large apartment complexes, a corporate office building, single family houses, and a cemetery across IH-35 to the west. The proposed use is a 50,000 sf shopping center and the removal of the existing Conditional Overlay, which prohibits the following uses: auto repair services, auto washing, convenience storage, auto rentals, and auto sales.

Background: The subject property was once part of a larger 61 acre parcel, which abuts a single family subdivision to the east but the property was subsequently subdivided into three smaller parcels. The subject property no longer abuts the single family neighborhood to the east but the northeast corner of the property is catty-corner to a townhouse development. The two other parcels that were subdivided from the larger 61 acre property have already been developed into an AISD bus barn/bus repair depot, and a large multi-story apartment complex. The existing property has 1,000 linear feet of street frontage along the IH-35 service road.

Connectivity

There are no public sidewalks located along this portion of the IH-35 frontage road and the existing public sidewalk system along the IH-35 frontage road, between William Cannon Road and Slaughter Lane, is sparse and intermittent. A CapMetro transit stop is located approximately 0.42 miles away along the IH-35 frontage road (which has been removed and cut off from access by TXDOT, currently making improvements along the frontage road) but this necessitates walking along a narrow and at times steep berm along the IH-35 frontage road, most of which does not include a public sidewalk and is also cut off from pedestrian access due to TXDOT improvements. The Walkscore for this area is 33/100, Car Dependent, meaning most errands require a car. There is no existing urban trail within a mile of the site.

Imagine Austin

When looking at basic planning principles, the proposed use is similar to the nearby uses along this portion of IH-35 and helps to further the consistency among the uses within the block.

The following Imagine Austin policy is applicable to this case:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes **designated redevelopment areas, corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

Based on the comparative scale of the site relative to adjoining commercial and retail uses, including auto oriented service uses (an auto collision shop, auto sales and repair, and an AISD bus/repair depot), and retail uses, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, Staff does recommend the installation of a public sidewalk along the frontage area of this property to provide multi-modal connectivity in the area. Several new apartment complexes have been developed between William Cannon Drive and Slaughter Lane, along the IH-35 frontage road in recent years, which do not include public sidewalks.

Environmental

The site is not located over the Edwards Aquifer Recharge 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. The site is in the Desired Development Zone.

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 Gross Site Area</i> | <i>% of Gross Site Area 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 location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous 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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

Fire Department Review

Review by the Fire Department is required. Buildings on this property must comply with the Hazardous Pipeline Ordinance [LDC, 25-2-516]. Any use requiring evacuation assistance is prohibited within 200 feet of a hazardous pipeline, and must be approved by Council Resolution if within 200-500 feet of a pipeline.

Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation [LDC, 25-2-516(D)(2)].

Site Plan and Compatibility Standards

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when a site plan is submitted.

The site is subject to compatibility standards. 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 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.

Transportation

This site is subject to the approved TIA associated with Bennett Tract (C14-2008-0123) zoning application. The TIA may be required to be revised and additional mitigation may be required at the time of the site plan application. Staff has determined that a revision to the TIA is not required with this zoning application.

The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for IH 35. 200 feet of right-of-way dedication from the existing centerline may be required to be dedicated for IH 35 at the time of the subdivision and/or site plan application. The right-of-way dedication is subject to the Texas Department of Transportation approval [LDC 25-6-51 and 25-6-55].

Additional right-of-way may be required at the time of subdivision and/or site plan.

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an urban trail is recommended for IH 35. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

FYI – The Texas Department of Transportation shall approve the driveway locations, bicycle facility improvements, and sidewalk construction within IH 35 right-of-way. The number of driveways and driveway location(s) may be restricted due to safety concerns (i.e. joint use access may be required with the adjacent properties).

Water and Wastewater

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 Austin Water 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.