

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0147
2025 East 7th Street

P.C. DATE: January 22, 2013

ADDRESS: 2025 East 7th Street **AREA:** 1.98 acres

OWNER: SL Chicon LP (John Kiltz)

AGENT: Gibson Lamar Partners, LP (Arthur Carpenter)

FROM: CS-MU-CO-NP **TO:** CS-MU-V-CO-NP

NEIGHBORHOOD PLAN AREA: Holly **TIA:** N/A

WATERSHED: Lady Bird Lake **SCENIC ROADWAY:** No

CAPITOL VIEW CORRIDOR: No **DESIRED DEVELOPMENT ZONE:** Yes

SUMMARY STAFF RECOMMENDATION:

Staff recommendation is to grant general commercial service-vertical mixed use-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) as proposed by the Applicant. Applicant agrees that all conditions of the existing conditional overlay remain with the property. The conditions include the prohibition of the following land uses:

- | | |
|--|------------------------------------|
| • Campground | • Custom manufacturing |
| • Drop-off recycling collection facilities | • Adult oriented businesses |
| • Kennels | • Exterminating services |
| • Convenience storage | • Pawn shop services |
| • Equipment sales | • Automotive washing (of any type) |
| • Construction sales and services | • Commercial off-street parking |
| • Vehicle storage | |

Additionally, the Applicant agrees to prohibit the following uses through a conditional overlay, as requested by neighborhood representatives:

- Alternative financial services
- Outdoor entertainment

The Applicant will provide a public restrictive covenant stating that no outdoor amplified sound permits will be permitted for the property, as requested by neighborhood representatives. The Applicant also supports staff's request that development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

January 22, 2013: *RECOMMENDED TO POSTPONE TO FEBRUARY 12, 2013 AS REQUESTED BY NEIGHBORHOOD, ON CONSENT (8-0) [NORTEY; HATFIELD 2ND] (8-0-1) STEVENS ABSENT.*

February 12, 2013: *RECOMMENDED TO APPROVE AS RECOMMENDED BY STAFF, ON CONSENT, [CHIMENTI; STEVENS 2ND] (8-0-1) HERNANDEZ ABSENT.*

DEPARTMENT COMMENTS: The subject property is located on the south side of East 7th Street, between Chicon and Robert T. Martinez Streets. East 7th Street is designated as a Core Transit Corridor which is intended to allow for Vertical Mixed Use designation (LDC 25-2, 4.2.2 (B)). The property is currently occupied by a vacant commercial building. To the west is a shopping center zoned CS-MU-CO-NP and TOD-NP, with tenant uses including restaurant, alternative financial services, retail, medical offices, etc. The eastern boundary of the Plaza Saltillo Transit Oriented District (TOD) is located one lot west of the subject property. To the north, across 7th Street, are other lots zoned CS-MU-CO-NP, which are used for various commercial uses, including pawn shop, professional offices, convenience store/ gas station, vacant, and undeveloped properties. To the east of the subject property are a bank (financial services) and a fast food restaurant, also zoned CS-MU-CO-NP. Southeast of the property is a mixed-use development. Immediately south are a medical office and a civic land use. Please refer to Exhibits A and B (Zoning Map and Aerial View). Barrio Unido Neighborhood Association has provided a letter of support for the rezoning request. (Exhibit C – Correspondence).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-CO-NP	Vacant (previously commercial)
<i>North</i>	CS-MU-CO-NP	Pawn shop, Convenience retail, Undeveloped, Vacant, Professional offices
<i>South</i>	CS-MU-CO-NP	Medical office, Civic
<i>East</i>	CS-MU-CO-NP	Financial services, Restaurant (limited)
<i>West</i>	CS-MU-CO-NP, TOD-NP	Restaurant (limited), Convenience retail, Medical offices, Alternative financial services

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0166 Holly Neighborhood Plan	CS to CS-CO-MU-NP, etc.	11/27/2001: Approved CS-CO-MU-NP (9-0)	12/13/2001: Approved
C14-01-0166.02 (contested tracts)	CS-CO-MU-NP, etc.	Approved CS-CO-MU-NP	6/12/2003: Approved
C14-2009-0041 Central East Austin VMU Building (V) Zoning	GO-CO-NP to GO-V-CO-NP, CH-CO-NP to CH-V-CO-NP	9/8/2009: Approved Neighborhood rec for V for 2 tracts (8-0)	9/28/2009: Approved V (7-0)
C14-2009-0156 Los Comales	CS-MU-CO-NP to CS-1-MU-CO-NP	3/23/2010: Approved staff rec to DENY CS-1-CO-MU-NP (5-3, MD/BD/DA-no)	5/18/2010: DENIED rezoning request of CS-1-MU-CO-NP (7-0)

Related Case Numbers: This area was zoned in 2001 as part of the Holly Neighborhood Plan process, with the associated zoning case, C14-01-0166. This lot, however, was a contested tract, and was processed later, in 2003. That zoning case, C14-01-0166.002a, modified the Neighborhood Plan and

addressed this lot and other contested tracts. The 2003 case stated that the affected properties are subject to the original Holly Neighborhood Plan, and also increased the number of conditional and prohibited land uses for these properties. The current zoning request intends to keep the existing conditional and prohibited land uses, and add more prohibitions.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
7th Street	80	Varies	MAU 4-Arterial	Yes	Yes	No

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council
 Sentral Plus East Austin Koalition (SPEAK)
 El Concilio Coalition of Mexican American Neighborhood Associations
 Tejano Town
 Cristo Rey Neighborhood Association
 Barrio Unido Neighborhood Association
 Greater East Austin Neighborhood Association
 United East Austin Coalition
 Guadalupe Neighborhood Development Corporation
 Organization of Central East Austin Neighborhoods (OCEAN)
 East River City Citizens
 Buena Vista Neighborhood Association
 Holly Neighborhood Coalition
 African American Cultural Heritage District Business Association
 Blackshear Prospects Hills

SCHOOLS:

Zavala Elementary School Martin Middle School Eastside Memorial HS at Johnston

CITY COUNCIL DATE: February 28, 2013:

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
 e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

SUMMARY STAFF RECOMMENDATION:

The recommendation is based on the following considerations: 1) Implementation of VMU and MU at this site will be compatible with existing land uses and zoning surrounding the subject property; 2) The base district zoning classification and all existing conditional overlays shall be retained; and 3) Commercial and retail uses already exist in the area which is conducive to spur development of this site for V application. The Applicant has worked with several neighborhood representatives to address concerns. The Applicant has agreed to limit several more land uses, as well as provide a public restrictive covenant to prohibit outdoor amplified sound permit. In the absence of a Traffic Impact Analysis, Staff has proposed a Conditional Overlay to limit the property to uses that generate less than 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The purpose of a vertical mixed use (VMU) overlay district is to allow the development of vertical mixed use (VMU) buildings, subject to compliance with the standards identified in the LDC, and summarized below in the Site Plan section of this report. In accordance with LDC 25-2, 4.2.2 (B), the City policy is that the East 7th Street Core Transit Corridor is intended for VMU zoning and development, as long as it complies with the local neighborhood plan and base zoning district.

2. Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The addition of V to the existing CS-MU-CO-NP should not negatively impact any adjacent land uses. The enhanced flexibility reflects some of the characteristics of the Plaza Saltillo TOD, which is designed to encourage redevelopment in the area.

Site Plan:

Any redevelopment of the property will be subject to the requirements of Chapter 25-2, Subchapter E, Article 4.3 (Vertical Mixed Use Buildings), summarized as follows:

Mix of Uses. At least one of the floors shall contain residential dwelling units.

Pedestrian-Oriented Commercial Spaces. Along at least 75 percent of the building frontage along the principal street, the building must be designed for commercial uses in ground-floor spaces.

Compatibility Standards. All VMU buildings are subject to the compatibility standards of Chapter 25-2, Article 10. In case of conflict between the compatibility standards and this Subchapter, the compatibility standards shall control.

VMU Dimensional and Parking Requirements. These requirements can be exempted based on certain criteria outlined in the Affordability Requirements and Development Bonuses sections below.

Affordability Requirements. To be eligible for dimensional or parking standards exemptions, the residential units in a VMU building shall meet the following affordability requirements, which shall run with the land.

1. Affordability Requirements for Owner-Occupied Units.

- a. Five percent of the residential units in the VMU building shall be reserved as affordable for ownership and occupancy by households earning no more than 80 percent of the current Austin MSA Annual Median Family Income (MFI).
- b. In addition, five percent of the residential units in the VMU building shall be reserved for ownership and occupancy by households earning no more than 100 percent of the Annual MFI.
- c. The homeowner association fees for the owner-occupied affordable units may not be set or increased to cause total housing costs to exceed the targeted affordability levels, pursuant to procedures and criteria established by the Director of Neighborhood Housing and Community Development.

2. Affordability Requirements for Rental Units.

- a. Ten percent of the residential units in the VMU building shall be reserved as affordable for rental by households earning no more than 80 percent of MFI.
- b. [not applicable]
- c. The city may elect to subsidize an additional ten percent of the residential units in the building for rental purposes for residents at any level of affordability pursuant to criteria and procedures established by the Director.

4. Fee for Upper-Level Nonresidential Space. The developers of VMU buildings that contain nonresidential uses above the ground-floor shall pay a fee as set by the City Council for all climate-controlled nonresidential space above the ground floor. At the same time that it sets the amount of the fee, the City Council shall also identify a means by which fees paid pursuant to this section shall be reserved only for expenditure within the area of the City from which they were collected.

Development Bonuses for VMU Buildings. A building that contains at least 100 lineal feet of VMU building frontage along the principal street is entitled to the following development bonuses:

- 1. The queuing requirements of Chapter 25-6, Appendix A, shall be reduced by 50 percent for each drive-through service in the development, so long as sufficient on-site queuing space exists to ensure queuing does not occur within the public right-of-way.
- 2. The number of connectivity options needed to comply with Section 2.3.2. of this Subchapter shall be reduced by two for each 100 lineal feet of VMU buildings.
- 3. All buildings in the development may aggregate points for building design in Section 3.3 of this Subchapter, rather than each building needing the minimum number of points.
- 4. Except for in the Barton Springs Zone or the Waterfront Overlay combining district, impervious cover existing as of the effective date of this Subchapter may be retained for redevelopment purposes for VMU buildings no taller than 60 feet and their accompanying structured parking, so long as the redevelopment meets current water quality standards and, for projects in the Drinking Water Protection Zone, the redevelopment incorporates the following measures to provide additional water quality benefits, pursuant to administrative rules to be developed by the director:
 - a. Rainwater collection and reuse;
 - b. Pervious pavement;
 - c. Integrated pest management; and
 - d. Native and adapted landscaping.

Transportation:

TR1. Additional right of way may be required at time of site plan or subdivision [LDC, Sec. 25-6-51 and 25-6-55].

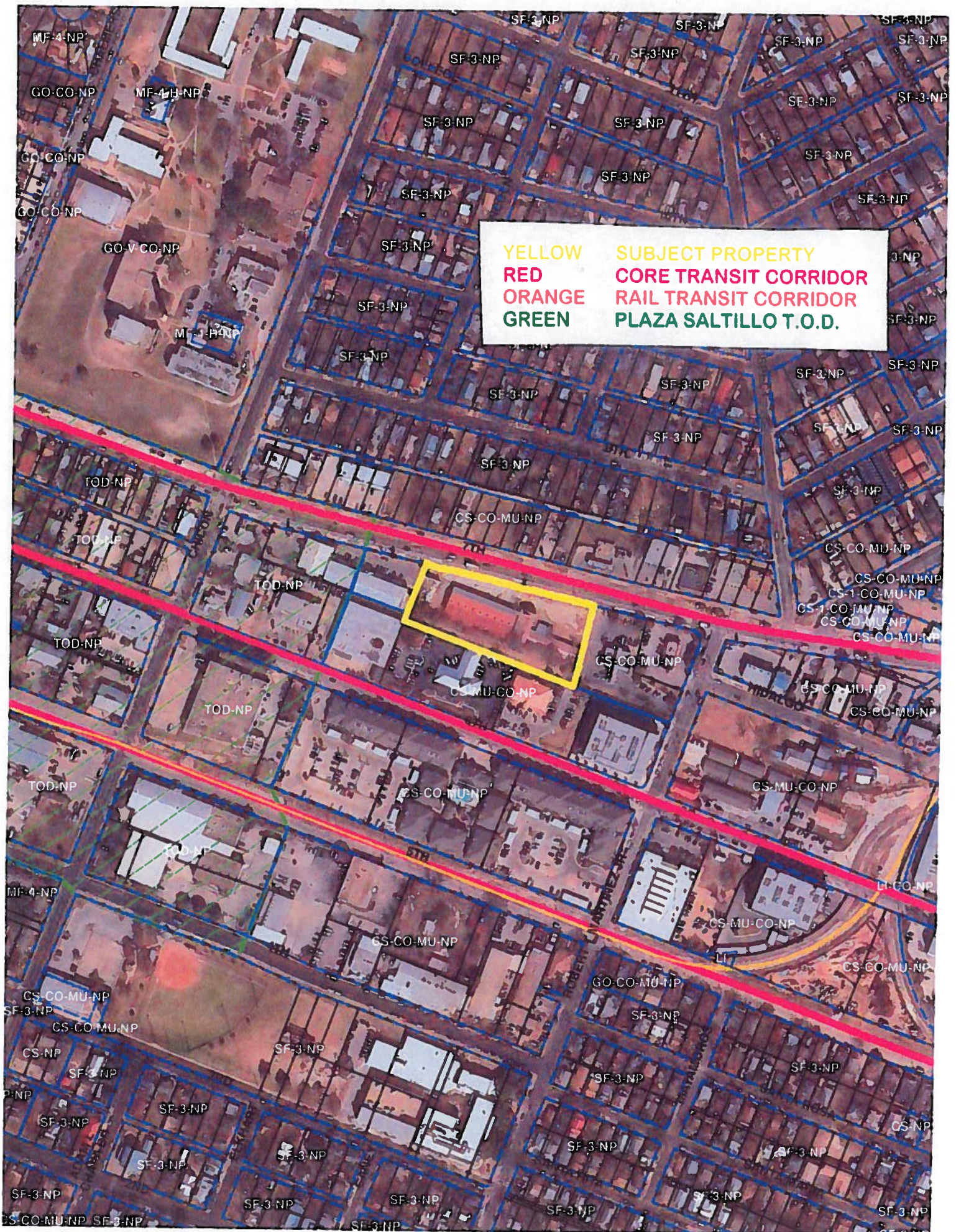
TR2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

Environmental:

1. The site is not 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
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.

Water/Wastewater:

FYI: 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 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. 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.



YELLOW
RED
ORANGE
GREEN

SUBJECT PROPERTY
CORE TRANSIT CORRIDOR
RAIL TRANSIT CORRIDOR
PLAZA SALTILLO T.O.D.

ORDINANCE NO. 030612-Z-13

AN ORDINANCE AMENDING ORDINANCE NO. 011213-44, AND REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICT ON FIFTEEN TRACTS OF LAND IN THE HOLLY NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICTS ON THESE TRACTS OF LAND.

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

PART 1. Ordinance No. 011213-44 is amended to include the property identified in this Part in the Holly neighborhood plan combining district. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district and to change the base districts on fifteen tracts of land described in File C14-01-0166.002a, as follows:

From commercial-liquor sales (CS-1) district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district.

613 Chicon St. (Tract 0)

From limited industrial services (LI) district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district.

1902 East 6th St. (Tract 1)

1914 East 6th St. (Tract 2)

2000 East 6th St. (Tract 3)

2010 East 6th St. (Tract 4)

2100 East 6th St. (Tract 5)

2118 East 6th St. (Tract 6)

2201 Hidalgo St. (Tract 7)

2200 East 6th St. (Tract 11)

0 East 6th St.; 0.236 ac Blk 1, Olt 9, Blk 2, Olt 10, Div A, City of Austin (Tract 12)

505 Robert Martinez, Jr. St. (Tract 15)

0 East 5th St.; 2.244 ac Blk 3, Olt 10, Blk 4, Olt 9 H&TC Addition (Tract 17)

501 Pedernales St. (Tract 19); and

From limited industrial services (LI) district to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district.

2416 East 6th St. (Tract 13)
2615 East 6th St. (Tract 20);
(the "Property")

generally known as the Holly neighborhood plan (NP) combining district, locally known as the property bounded by 7th Street on the north, Pleasant Valley Road on the east, Chicon Street on the west and Town Lake on the south, in the City of Austin, Travis County, Texas, and generally identified in Exhibit "A".

PART 2. The Property is subject to Ordinance No. 011213-44 that established the Holly neighborhood plan combining district.

PART 3. Tracts 0, 1, 2, 3, 4, 5, 6, 7, 11, 12, 15, 17, and 19 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the City Code.

PART 4. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions.

1. The following uses are prohibited uses of Tract 13:

Campground	Convenience storage
Exterminating services	Hotel-motel
Kennels	Liquor sales
Pawn shop services	Resource extraction
Scrap and salvage	Service station
Telecommunication tower	Vehicle storage

2. The following uses are conditional uses of Tract 13:

Automotive washing (of any type)	Commercial off-street parking
Indoor entertainment	Indoor sports and recreation

3. The following uses are prohibited uses of Tract 20:

Basic industry	Liquor sales
Residential treatment	Scrap and salvage
General warehousing and distribution	Recycling center
Resource extraction	

4. The following uses are prohibited uses of Tracts 0, 1, 2, 3, 4, 5, 6, 7, 11, 12, 15, 17, and 19:

Adult oriented businesses	Campground
Convenience storage	Exterminating services
Kennels	Pawn shop services

5. The following uses are conditional uses of Tracts 0, 1, 2, 3, 4, 5, 6, 7, 11, 12, 15, 17, and 19:

Automotive washing (of any type)	Commercial off-street parking
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Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 5. The Council waives the requirements of Section 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 6. This ordinance takes effect on June 23, 2003.

PASSED AND APPROVED

June 12, 2003

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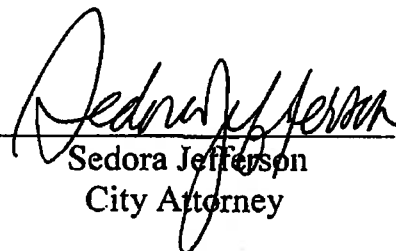


Gustavo L. Garcia

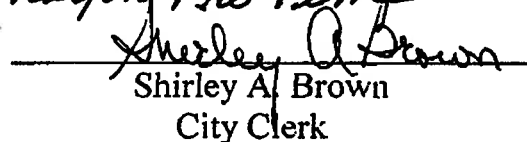
Mayor



APPROVED:


Sedora Jefferson
City Attorney

ATTEST:


Shirley A. Brown
City Clerk



El Concilio

"Shaping the 21st century"

A Coalition of Mexican-American Neighborhood Associations

¡PAZ EN EL BARRIO!

RECIEVED

FEB 03 2013

Planning & Development Review

Wednesday, February 06, 2013

Dear Heather Chaffin,

We the members of Barrio Unido Neighborhood Association, having met with Mr. Carpenter, to discuss the re-zoning request and having satisfied our concerns

We thus strongly support city planning staff recommendation of approval, of the request for rezoning case C14-2012-0147 - 2025 E. 7th street.

We further submit signatures of support from El Concilio Neighborhood associations adjacent to the project, Pedernales Community Neighborhood Association, President Gloria Moreno, Buena Vista Neighborhood Association, Leon Hernandez, President and East Town Lake Citizens Neighborhood Association, President Marcos de Leon.

This project meets the spirit of The Holly Neighborhood Plan

Due to our request for a postponement, We would further request that this case be approved under the consent agenda for your consideration. In order, to make up for lost time

Respectfully submitted:

Frances Martinez

Frances Martinez, President Barrio Unido Neighborhood Association

Gloria Moreno

Gloria Moreno, President Pedernales Community Neighborhood Association

Marcos de Leon

Marcos de Leon, East Town Lake Citizens Neighborhood Association

Leon Hernandez

Leon Hernandez, Buena Vista Neighborhood Association

Rezoning: C14-2012-0147 - 2025 E. 7th Street
Location: 2025 E. 7th Street, Lady Bird Lake Watershed, Holly NPA

TIERRA - JUSTICIA Y LIBERTAD!
208 Caney St. Austin, Texas 78702

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

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: C14-2012-0147

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Jan 22, 2013, Planning Commission
Feb 28, 2013, City Council

Sever Maclellan:

Your Name (please print)

1914 52000 E 6th

Your address(es) affected by this application

MM

Signature

Daytime Telephone: 512 358 7480

Date

Comments:

LET THEM DO WHAT
THEY WANT IT IS THEIR
PROPERTY AND ADJOINING
PROPERTY OWNERS SHOULD
HAVE NO SAY WHATS EVER.
RIDICULOUS. QUIT WASTING
TAXPAYER MONEY.

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

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object



MEMORANDUM

TO: Mr. Dave Anderson, Chair
Planning Commission Members

FROM: Heather Chaffin
Planning and Development Review Department

DATE: January 22, 2013

RE: **2025 E. 7th Street Rezoning – C14-2012-0147**
Postponement Request by Neighborhood

El Concilio Neighborhood Association is requesting a postponement of the above-referenced zoning case to February 12, 2013. This will allow the Applicant and Neighborhood more time to work together on conditions and concerns pertaining to the rezoning request. The Applicant supports the postponement request.



MEMORANDUM

TO: Mayor and Council

FROM: Greg Guernsey, Director
Planning and Development Review Department

DATE: February 28, 2013

RE: **2025 E. 7th Street – C14-2012-0147**
Postponement Request by Staff

Staff is requesting a postponement of the above-referenced zoning case from February 28, 2013, to March 7, 2013. This request is due to a previous postponement at the Planning Commission stage of review, and subsequent delays in processing and notification.

Greg Guernsey, Director
Planning and Development Review Department

x. Marc A. Ott, City Manager
Sue Edwards, Assistant City Manager