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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0028 **P.C. DATE:** June 24, 2014  
MDC Programs Annex June 10, 2014

**ADDRESS:** 1001 E. 50<sup>th</sup> Street & 4915 Harmon Avenue **AREA:** 0.49 acres

**OWNER:** Rathgeber Investment GP, Inc. & Manos de Cristo, Inc.

**AGENT:** Dick Rathgeber

**FROM:** SF-3-NP **TO:** LO-MU-CO-NP, as Amended

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

**WATERSHED:** Waller Creek **SCENIC ROADWAY:** No

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

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. The conditional overlay would include the following:

1. Vehicular trips shall be less than 2,000 vehicles per day.
2. The following land uses shall be prohibited:
  - a. Art workshop
  - b. Commercial off-street parking
  - c. Communication services
  - d. Club/ lodge
  - e. College and university facilities
  - f. Communication service facilities
  - g. Community events
  - h. Community recreation (Public)
  - i. Community recreation (Private)
  - j. Congregate living
  - k. Day Care Services (Commercial)
  - l. Day Care Services (General)
  - m. Local Utility
  - n. Public Primary Educational Facilities
  - o. Public Secondary Educational Facilities
  - p. Residential Treatment
  - q. Safety Services

**PLANNING COMMISSION RECOMMENDATION:**

June 24, 2014:

June 10, 2014: *TO GRANT POSTPONEMENT TO JUNE 24, 2014, AS REQUESTED BY STAFF, ON CONSENT. 9-0 (J. STEVENS-1<sup>ST</sup>, J. NORTEY-2<sup>ND</sup>)*

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/h

**NEIGHBORHOOD ORGANIZATIONS:**

Del Valle Community Coalition  
PODER  
Ridgetop Neighborhood Association  
Mueller Property Owners Association  
North Austin Neighborhood Alliance  
Central Austin Community Development Corporation  
Mueller Neighborhood Association  
North Loop Neighborhood Planning Team  
Friends of the Emma Barrientos MAC  
Sustainable Neighborhoods

**CITY COUNCIL DATE/ACTION:**

*August 28, 2014:*

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 974-2122

### STAFF RECOMMENDATION:

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  - q. Safety Services

This recommendation allows for redevelopment of the subject tracts as parking for the Manos de Cristo headquarters, while preventing development of more intense land uses. The proposed rezoning tracts are located between Harmon Avenue and Interstate Highway 35, and two of the three single family residences on the tracts are in disrepair. Redevelopment as a residential land use is possible but not likely at this location. The tracts are surrounded on three sides by commercially zoned property. The property is also adjacent to a large single family neighborhood, across Harmon Avenue to the west. For this reason, several land uses were eliminated from the Staff recommendation. Based on discussion with the Applicant, Neighborhood representatives, and others in the vicinity, additional parking would benefit many residential and business property owners in the area by reducing on-street parking. Compatibility standards will ensure screening of any parking area from the residential area across Harmon Avenue.

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

The properties to the south and east of the rezoning tracts were originally zoned LO in 1967; they were rezoned LO-CO-NP in 2002 with the North Loop Neighborhood Plan. Since these properties essentially surround the proposed rezoning tracts, the similar zoning is appropriate.

*Zoning should allow for a reasonable use of the property.*

Redevelopment of the subject tracts with a residential land use is unlikely at this location. By rezoning the lots to LO-MU-CO-MP, the properties can be consolidated into a project that meets neighborhood goals.

### SITE PLAN

SP 1 Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. This site is on an Urban Roadway.

SP 2 The site is subject to compatibility standards. Along the northwest, southwest, and west property lines, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of 2 stories or 30 feet in height may be constructed within 50 feet of the property line.

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- c. No structure in excess of 3 stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. 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.

SP 3 FYI - This site is located in the North Loop Neighborhood Plan. Please see the City's website <http://www.austintexas.gov/departments/neighborhood-planning> for a copy of the recommended design guidelines.

SP 4 Additional design regulations will be enforced at the time a site plan is submitted.

#### TRANSPORTATION

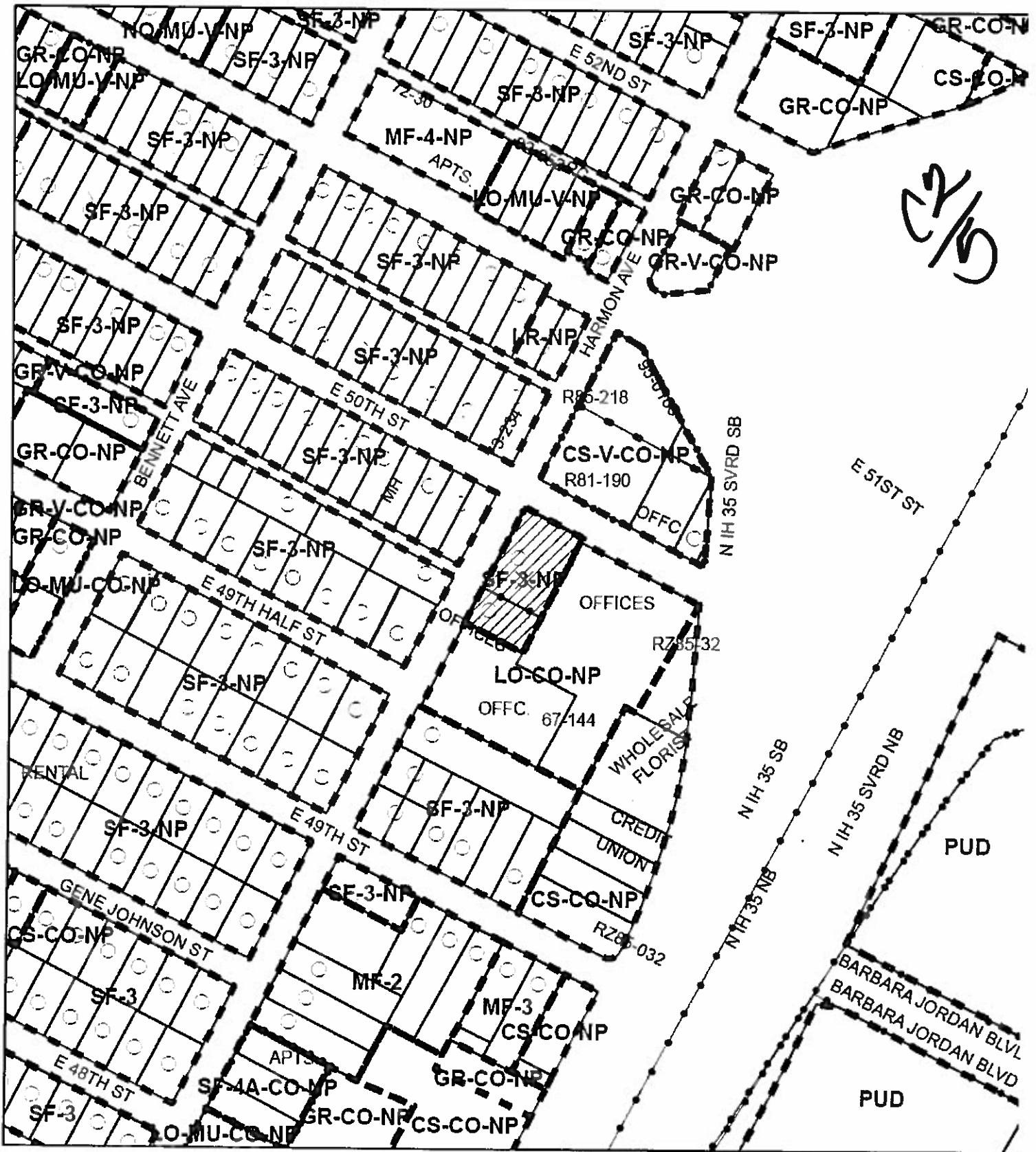
2. Additional right-of-way may be required at the time of subdivision and/or site plan.
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
4. There are no sidewalks along either side of Harmon Avenue or East 51<sup>st</sup> Street in the vicinity of the site.
6. Capital Metro bus routes #10, 37, and 320 are available within .14 mile of this property along IH 35 Southbound Frontage Road, and routes #10 and 350 are available within .24 miles along Airport Blvd.

#### ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch and Boggy Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds 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 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.
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.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### WATER UTILITY

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.



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SUBJECT TRACT
   
 PENDING CASE
   
 ZONING BOUNDARY

**ZONING CASE**  
 C14-2014-0028

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.





C/M

SF-3-NP

R65-218

CS-V-CO-NP

SP65-168

R91-100

SF-3-NP

50TH

SF-3-NP

HARMON

SF-3-NP

OFFICES

49TH HALF

OFFICES

LO-CO-NP

SF-3-NP

87-144

FLORIST

CS-CO-NP

SF-3-NP

CREDIT

49TH

SF-3-NP

E 51ST EB TO LH 35 SB

35

51ST

C7/A



May 20, 2014

Planning and Development Review Department, City of Austin

Maureen Meredith, Plan Amendment Planner, and Heather Chaffin, Zoning Planner

Re: Plan Amendment Case NPA-2014-0011.01; Zoning Case C14-2012-0028 – 1001 E. 50<sup>th</sup> St & 4915 Harmon Ave.

City of Austin Planning and Review Department:

On behalf of members, Ridgetop Neighborhood Association (RNA) leadership respectfully submits *conditional support* of the above-referenced plan amendment/rezoning applications by Mr. Dick Rathgeber and Manos de Cristo to change the Future Land Use Map at 1001 E. 50<sup>th</sup> St & 4915 Harmon Ave from Single Family to Office, and its zoning from SF-3-NP (Family Residence) to, as we understand it, LO-CO-MU-NP (Limited Office -Conditional Overlay - Mixed Use - Neighborhood). Neighborhood agreement is strictly conditioned as set out below.

**RNA emphasizes that removal of residential zoning in our neighborhood core is wholly undesirable as a principle** and goes strictly against our neighborhood plan and strong resident consensus. Also, Mr. Rathgeber and Manos desire a parking lot to better accommodate staff and clients and a parking lot is not considered a favorable feature in the neighborhood core. However, Mr. Rathgeber and Manos understand this and have worked extensively with us to identify ways to make the project more residential-friendly and mitigate negative impacts, including future incompatible uses.

Manos is a good neighbor and offers considerable mitigations and protections, and therefore RNA can support this proposal conditioned on the following protections and features, to be in place prior to City Council consideration and action:

- Deed restriction set by Mr. Rathgeber/Manos on both parcels, limiting future use to surface parking plus community garden only, in perpetuity with sole rights of removal to the neighborhood
- Zoning is no more aggressive than LO-CO-MU
- Conditional overlay restricts neighborhood-incompatible LO uses (communications services, large offices, and others)
- Protections and mitigations against impacts of increased lights, freeway noise, commercial activities, crime (loitering, camping), and impervious cover, with active RNA participation and input in the design process.

We appreciate Mr. Rathgeber and Manos' sensitivity to neighborhood concerns and responsiveness in seeking solutions. We do not take lightly the potential impact of this request on Harmon Triangle and nearby neighbors, and we firmly believe it was applicants' constructive, collaborative approach that allowed a majority of neighbors to consider and support the proposal.

Ridgetop NA will begin working with Mr. Rathgeber and Manos immediately to place protections attendant to removal of residential and placement of parking at this location, so the proposal can be timely brought forward to Council.

Respectfully,

Penelope Doherty, RNA President and  
914 E. 49<sup>th</sup> St

Meredith Blackwelder, RNA Executive VP  
925 E. 53 1/2 St

Cc: Dick Rathgeber via Manos de Cristo

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Ridgetop NA's recommendations for LO use restrictions attendant to the proposal

We respectfully request restriction *against* the following uses as incompatible to neighborhood residential core:

- Art Gallery
- Communications Services
- Medical Offices exceeding 5000sf
- Club or Lodge
- Communication Service Facilities
- Congregate Living
- Day Care Services
- Group Home (any)
- Residential Treatment
- Telecommunications Tower



**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](http://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: C14-2014-0028  
Contact: Heather Chaffin, 512-974-2122  
Public Hearing: Jun 10, 2014, Planning Commission  
Aug 7, 2014, City Council

Your Name (please print) D Ann Johnson

I am in favor  
 I object

Your address (affected by this application) 5120 N IH 35 Branchburg TX 78744

Your signature [Signature]

Date 6/2/14

Daytime Telephone: 512 374 2760

Comments:

We are in favor as long as  
the site plan is for  
Parking and  
Community gardens only

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

[Handwritten initials]

**Chaffin, Heather**

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**From:** Laura Henson <laura@swdtr.com>  
**Sent:** Tuesday, June 17, 2014 10:46 AM  
**To:** Chaffin, Heather  
**Cc:** [REDACTED]  
**Subject:** 1001 E. 50th - Zoning Change

OK/10

Ms. Chaffin,

After consultation with the neighborhood and planning staff, I hereby request a change in my zoning application for the property at 1001 E. 50th from GO CO NP to LO MU CO NP.

Sincerely,

Edward R. Rathgeber  
mobile : (512)917-9510

**Laura Henson**  
**Southwest Destructors –**  
A division of Southwest Constructors, Inc.  
P.O. Box 50469  
Austin, TX 78763  
(512)836-0667 phone  
(512)835-9865 fax



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**MEMORANDUM**

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**TO:** Mr. Dave Anderson, Chair  
Planning Commission Members

**FROM:** Heather Chaffin, Case Manager  
Planning and Development Review Department

**DATE:** June 10, 2014

**RE: MDC Programs Annex Rezoning & Neighborhood Plan Amendment (NPA)  
C14-2014-0028 & NPA-2014-0011.01  
Postponement Request by Staff**

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Staff is requesting a postponement from June 10, 2014, to June 24, 2014, for the above-referenced rezoning and NPA requests.

The Applicant and Neighborhood representatives have been working to reach agreement on the proposed rezoning, and need time to resolve remaining issue. Staff is facilitating these discussions.

Both the Applicant and Neighborhood representatives support the postponement request.