

**ZONING CHANGE REVIEW SHEET**

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**CASE:** C14-2014-0115  
2<sup>nd</sup> and Broadway

**P.C. DATE:** March 10, 2015  
February 24, 2015  
January 27, 2015  
January 13, 2015  
December 9, 2014

**ADDRESS:** 203 Broadway Street and 2901 East 3<sup>rd</sup> Street **DISTRICT:** 3

**OWNER:** McAdams Enterprises, LLC (Casey McPherson)

**AGENT:** Husch Blackwell, LLP (Nikelle Meade) **AREA:** 0.612 acres

**FROM:** SF-3 -NP **TO:** GR-MU-NP

**NEIGHBORHOOD PLAN AREA:** Govalle Johnson Terrace

**TIA:** N/A

**WATERSHED:** Lady Bird Lake

**SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No

**DESIRED DEVELOPMENT ZONE:** Yes

**SUMMARY STAFF RECOMMENDATION:**

Staff does not recommend the rezoning request. Staff supports an alternate recommendation of urban family residence-neighborhood plan (SF-5-NP) combining district zoning. The Applicant also supports the SF-5NP recommendation.

**PLANNING COMMISSION RECOMMENDATION:**

February 24, 2015: *TO GRANT POSTPONEMENT TO FEBRUARY 24, 2015, AS REQUESTED BY APPLICANT AND NEIGHBORHOOD. (8-0) [J. STEVENS- 1<sup>ST</sup>, S. OLIVER- 2<sup>ND</sup>; L. VARGHESE- ABSENT]*

January 27, 2015: *TO GRANT POSTPONEMENT TO FEBRUARY 24, 2015, AS REQUESTED BY APPLICANT, ON CONSENT. (8-0) [J. STEVENS- 1<sup>ST</sup>, R. HATFIELD- 2<sup>ND</sup>; D. CHIMENTI, L. VARGHESE- ABSENT]*

January 13, 2015: *TO GRANT POSTPONEMENT TO JANUARY 27, 2015, AS REQUESTED BY APPLICANT, ON CONSENT. (8-0) [J. STEVENS- 1<sup>ST</sup>, R. HATFIELD- 2<sup>ND</sup>; S. OLIVER- ABSENT]*

December 9, 2014: *TO GRANT POSTPONEMENT TO JANUARY 13, 2015, AS REQUESTED BY STAFF, ON CONSENT. (5-0) [R. HATFIELD - 1<sup>ST</sup>, J. STEVENS - 2<sup>ND</sup>; A. HERNANDEZ, B. ROARK AND J. NORTEY- ABSENT, S. OLIVER- ARRIVED LATE]*

**DEPARTMENT COMMENTS:**

The proposed rezoning is located along the east side of Broadway Street, with frontage on both East 2<sup>nd</sup> Street and East 3<sup>rd</sup> Street. The subject tract includes two lots that are zoned SF-3-NP and are occupied by single family residences. Properties to the east are also zoned SF-3-NP, and occupied by single family residences. North of the subject tract, across East 3<sup>rd</sup> Street, are more properties occupied by single family residences and zoned SF-3-NP. A church is located northwest of the subject tract and is zoned SF-3-NP. West of the subject tract, across Broadway Street, are a church and a single family residence. These are both zoned SF-3-NP. Southwest of the

subject tract is property zoned LO-MU-NP, and occupied by a medical office. Across East 2<sup>nd</sup> Street to the south are single family residences zoned GR-MU-NP. Please refer to *Exhibits A and B (Zoning Map and Aerial View)*.

The Applicant has requested GR-MU-NP zoning so they may construct up to 16 residential units on the .612 acre property. Staff has received correspondence from interested parties in opposition to the proposed GR-MU-NP rezoning request. Please refer to *Exhibit C (Correspondence)*.

C3  
1/2

**STAFF RECOMMENDATION:**

Staff does not recommend the rezoning request, and offers an alternate recommendation of urban family residence-neighborhood plan (SF-5-NP) combining district zoning.

The subject tract is surrounded on three sides by SF-3-NP zoning. Those properties are all developed with residences or churches. Excluding lots that front Pleasant Valley Road, this area between Pleasant Valley Road and Tillery Street, Second Street to Fifth Street, is predominately a single family residential neighborhood. There are no commercial land uses on the interior of this neighborhood. A zoning category that allows a wide array of commercial uses would be inappropriate at this location. The site development intensity allowed under GR would also be out of place in this location—90% impervious cover, 60-foot building height, etc.

SF-5 district zoning is recommended by Staff as an alternative because it would allow townhouse or condominium development on the site, in addition to single family or duplex uses that are already allowed in SF-3. The rezoning tract is comprised of 2 lots totaling 0.612 acres, which is small for a multifamily development, but is much larger than most single family properties in the area. Townhouse or condominium development would allow increased residential density that does not overwhelm the scale of the immediate surroundings.

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

GR-MU-NP is significantly more intensive than the surrounding zoning and land uses for the subject tract. Commercial land uses and intense site development are not compatible in this residential area.

2. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

The proposed rezoning is located in a residential area and is surrounded by residences and churches. There are more intense zoning districts and land uses beyond that, but GR-MU-NP at this location would be surrounded by SF-3-NP, providing no transition.

3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

GR-MU-NP is typically not located on local residential streets.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single family residences
<i>North</i>	SF-3-NP	Single family residences
<i>South</i>	GR-MU-NP	Single family residences
<i>East</i>	SF-3-NP	Single family residences
<i>West</i>	SF-3-NP	Single family residences

3/3

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
3 <sup>rd</sup> St.	60'	30'	Local	No	No	(w/in ¼ mile)
Broadway St.	53'	30'	Local	No	No	(w/in ¼ mile)
2 <sup>nd</sup> St.	60'	42'	Collector	No	No	(w/in ¼ mile)

**NEIGHBORHOOD ORGANIZATIONS:**

Del Valle Community Coalition  
 PODER  
 East Austin Conservancy  
 Sentral Plus East Austin Koalition (SPEAK)  
 East Town Lake Citizens Neighborhood Organization  
 Save Town Lake.org  
 Tillery Square Neighborhood Association  
 Tejano Town  
 El Concilio Mexican-American Neighborhoods  
 Barrio Unido Neighborhood Association  
 Cristo Rey Neighborhood Association  
 Buena Vista Neighborhood Association  
 Austin Neighborhoods Council  
 River Bluff Neighborhood Association  
 Govalle/Johnston Terrace Neighborhood Plan Team  
 Greater East Austin Neighborhood Association  
 Preservation Austin  
 United East Austin Coalition  
 Guadalupe Neighborhood Development Corporation  
 Friends of the Emma Barrientos MACC  
 Holly Neighborhood Coalition

**CITY COUNCIL DATE/ACTION:**

February 26, 2015: *TO GRANT POSTPONEMENT TO APRIL 9, 2015, AS REQUESTED BY STAFF, ON CONSENT. (8-0)*

January 29, 2015: *TO GRANT POSTPONEMENT TO FEBRUARY 26, 2015, AS REQUESTED BY STAFF, ON CONSENT. (8-0)*

**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

## ADDITIONAL STAFF COMMENTS:

### SITE PLAN

- 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.
- SP 3. Compatibility Standards. The site is subject to compatibility standards. Along the North, West, East, 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.
  - for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet 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.

### TRANSPORTATION

- TR1. Additional right-of-way may be 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. A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114.
- TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on 2<sup>nd</sup> Street, 3<sup>rd</sup> Street, and Broadway.
- TR5. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
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C3/5

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Colorado River 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 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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C3  
16

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C3/4

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C3/8

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13/9

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C3/10

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P-NP

BROOKE  
PARK  
BROOKE  
ELEM.  
SCHOOL

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
CASE#: C14-2014-0115

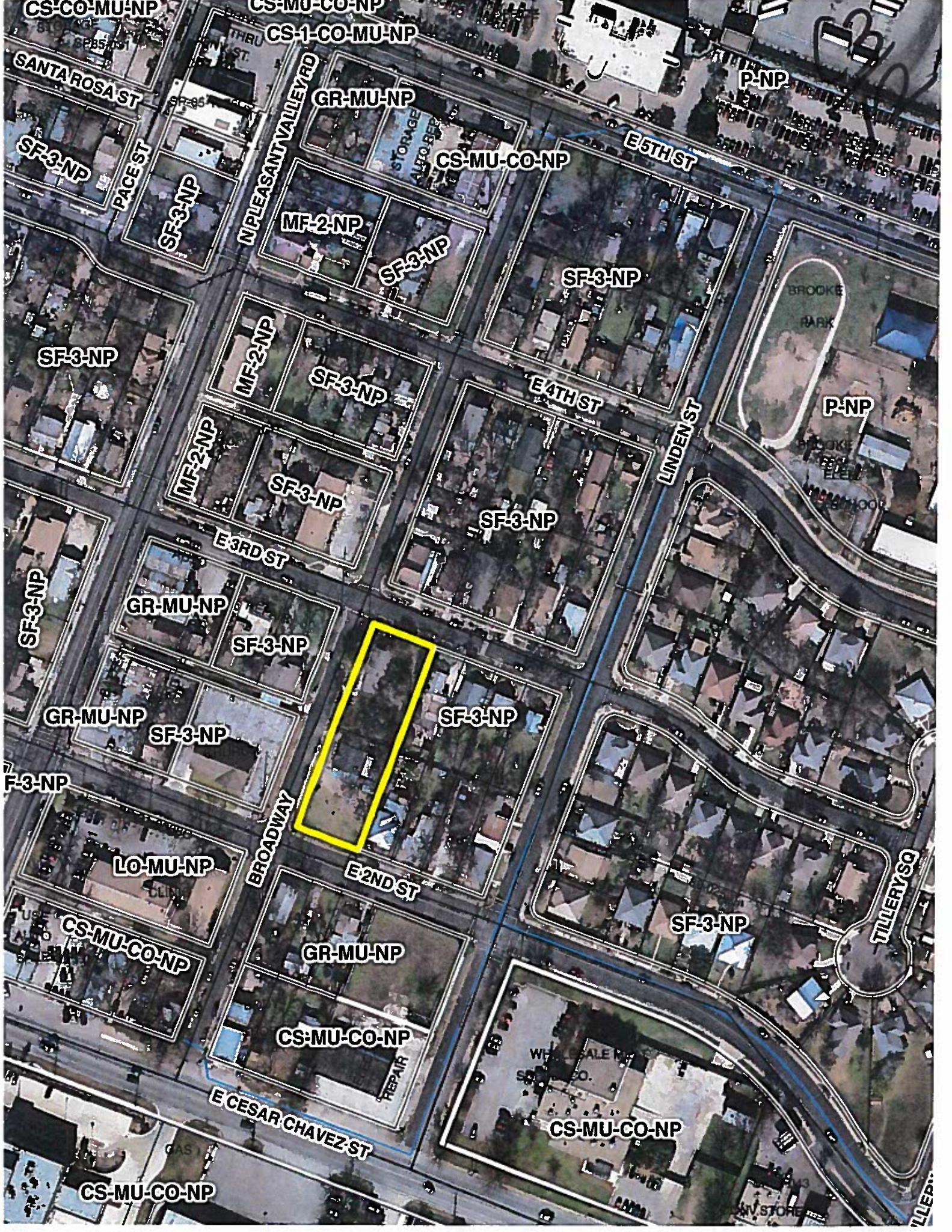


1" = 200'

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.





CS-CO-MU-NP

CS-MU-CO-NP

CS-1-CO-MU-NP

P-NP

SANTA ROSA ST

GR-MU-NP

E 6TH ST

SF-3-NP

PACE ST

SF-3-NP

N PLEASANT VALLEY RD

MF-2-NP

CS-MU-CO-NP

SF-3-NP

SF-3-NP

SF-3-NP

MF-2-NP

SF-3-NP

E 4TH ST

P-NP

MF-2-NP

SF-3-NP

SF-3-NP

LINDEN ST

E 3RD ST

GR-MU-NP

SF-3-NP

SF-3-NP

GR-MU-NP

SF-3-NP

SF-3-NP

SF-3-NP

BROADWAY

E 2ND ST

LO-MU-NP

SF-3-NP

CS-MU-CO-NP

GR-MU-NP

TILLERY SQ

CS-MU-CO-NP

CS-MU-CO-NP

E CESAR CHAVEZ ST

CS-MU-CO-NP

REPAIR

W STORE

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**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: <http://www.austintexas.gov/development>.

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: C14-2014-0115  
Contact: Heather Chaffin, 512-974-2122  
Public Hearing: Dec 9, 2014, Planning Commission  
Jan 29, 2015, City Council

Paul Alvarez

I am in favor  
 I object

2601 Zaragoza St.

Paul Alvarez 12/24/14

Daytime Telephone: 512-785-2049

Comments: Submitted on behalf of:

East Austin Conservancy

Proposed zoning is NOT compatible

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

3/3

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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: <http://www.austintexas.gov/development>.

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: C14-2014-0115  
Contact: Heather Chaffin, 512-974-2122  
Public Hearing: Dec 9, 2014, Planning Commission  
Jan 29, 2015, City Council

Mary L. Street  
Your Name (please print)

306 N. Pleasant Valley Rd.  
Your address(es) affected by this application

I am in favor  
 I object

12/2/14  
Signature

512/476-8183  
Daytime Telephone:

Comments: A COMMUNITY COMMERCIAL DISTRICT

is only appropriate on thoroughfares and arterial roads. This property is not on a thoroughfare or arterial road. This property is in a residential neighborhood, surrounded by SF-3-NP zoned properties, within the same block and adjacent areas.

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

C3/15



**MEMORANDUM**

\*\*\*\*\*

TO: Ms. Danette Chimenti, Chair  
Planning Commission Members

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

DATE: December 9, 2014

RE: **Second & Broadway**  
C14-2014-0115 and NPA-2014-0016.01  
Postponement Request by Staff

\*\*\*\*\*

Staff is requesting a postponement of the above referenced neighborhood plan amendment (NPA) and rezoning request from December 9, 2014, to January 13, 2015. This postponement is needed to finalize a Staff recommendation on the two related items; this is the first postponement request.



C3/16

**MEMORANDUM**

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**TO:** Ms. Danette Chimenti, Chair  
Planning Commission Members

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

**DATE:** January 13, 2014

**RE:** **Second & Broadway**  
C14-2014-0115 and NPA-2014-0016.01  
Postponement Request by Applicant

\*\*\*\*\*

The Applicant is requesting a postponement of the above referenced neighborhood plan amendment (NPA) and rezoning request from January 13, 2015 to January 27, 2015. This is the Applicant's first postponement request.





C3/A

**MEMORANDUM**

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**TO:** Ms. Danette Chimenti, Chair  
Planning Commission Members

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

**DATE:** January 27, 2015

**RE:** **Second & Broadway**  
C14-2014-0115 and NPA-2014-0016.01  
Postponement Request by Applicant

\*\*\*\*\*

The Applicant is requesting a postponement of the above referenced neighborhood plan amendment (NPA) and rezoning request from January 27, 2015, to February 24, 2015. This is the Applicant's second postponement request; Staff supports the requested postponement.