

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBERS: C14-2014-0194 – Morotito's Plan

DISTRICT: 3

REQUEST: Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2901 East 5th Street (Colorado River Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-NP) combining district zoning.

DEPARTMENT COMMENTS: The zoning was approved on first reading with the following condition added by Council: Office or commercial use may not be developed unless a residential use is developed on the property.

There is a Valid Petition on this property (20.17%).

OWNER / APPLICANT: Michael A. Valdez

AGENT: Lourdes Godoy

DATE OF FIRST READING: First reading approved on June 11, 2015. Vote: 11-0.

CITY COUNCIL HEARING DATE: September 10, 2015

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0194
Morotito's Plan

P.C. DATE: May 12, 2015

ADDRESS: 2901 East 5th Street

DISTRICT: 3

AREA: 0.3115 Acres

OWNER: Michael A. Valdez

AGENT: Lourdes Godoy

FROM: SF-3-NP

TO: GR-MU-NP

NEIGHBORHOOD PLAN: Govalle/Johnston Terrace

TIA: See Department Comments (NTA)

WATERSHED: Lady Bird Lake

SCENIC ROADWAY: No

CAPITOL VIEW CORRIDOR: No

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff does not support the community commercial-mixed use -neighborhood plan (GR-MU -NP) combining district zoning request. Staff offers an alternate recommendation of limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning.

The Applicant supports the LO-MU-NP recommendation.

PLANNING COMMISSION RECOMMENDATION:

May 12, 2015: *TO GRANT LO-MU-NP AS RECOMMENDED BY STAFF (5-2) [J. Nortey- 1st, R. Hatfield- 2nd; D. Chimenti, S. Oliver- Absent]*

ISSUES:

A Valid Petition has been filed on this rezoning request. The petition currently has the signatures of 20.17% of eligible property owners. These petitioners oppose rezoning the property to any classification other than Family Residence (SF-3) district zoning. Please refer to *Exhibit A (Valid Petition)*.

An informal petition in support of the rezoning request has also been filed on this rezoning request, and is attached. Please note that petitions in support of rezonings do not trigger Texas Local Government Code requirements that apply to Valid Petitions. Please refer to *Exhibit B (Support Petition)*.

DEPARTMENT COMMENTS:

The subject property is located at the southeast corner of East 5th Street and Broadway Street. The property is currently zoned SF-3-NP and is developed with a single family house. Properties immediately to the south and east are also zoned SF-3-NP and developed with single family residences. Across Broadway Street to the west are properties zoned CS-MU-CO-NP and developed with an automotive service and repair business. Across East 5th Street to the north is the Capital Metro bus parking facility, which is zoned P-NP. Please refer to *Exhibits C and D (Zoning Map and Aerial View)*.

The subject property has frontage on East 5th Street, a commercial collector street, and Broadway Street, a local residential street. The 5th Street corridor, from Pedernales Street east to its terminus at Airport Boulevard, is developed almost entirely with commercial land uses, excepting this block of single family residential properties.

A Neighborhood Traffic Analysis (NTA) was prepared to determine the potential impact of GR-MU-NP on Broadway Street. If GR-MU-NP is granted, Staff recommends that a Conditional Overlay include a maximum number of 300 vehicular trips per day for the site. If LO-MU-NP is granted, the analysis shows that a vehicular trip limit is not warranted.

Correspondence from neighborhood representatives regarding the rezoning request is attached in *Exhibit E (Correspondence)*.

STAFF RECOMMENDATION:

Staff does not support the community commercial-mixed use -neighborhood plan (GR-MU -NP) combining district zoning request. Staff offers an alternate recommendation of limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning.

As stated above, the subject property is in close proximity to intensive commercial land uses and zoning to the west and north (the automotive repair business and the bus parking facility). However, the property is also immediately adjacent to single family residential. A mixed use zoning designation is appropriate transition between the intense uses and zonings and the area of residential uses and zoning. GR zoning, however, allows a range of land uses that are too intense for the location—gas station, car wash, general restaurant, and many more. Staff recommends LO-MU zoning because it will allow office and other low intensity land uses provide a transition between the commercial corridor and the residential neighborhood.

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

The subject property is located on the edge of a single family neighborhood, with frontage on an collector roadway. The current SF-3-NP zoning is not desirable in such close proximity to a busy commercial roadway.

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

Limited office land use is an appropriate transition between the single family neighborhood and a commercial street corridor. Community commercial, GR, on the other hand, is too intense for the small lot.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|----------------------------|
| <i>Site</i> | SF-3-NP | Single family residence |
| <i>North</i> | P-NP | Capital Metro bus facility |
| <i>South</i> | SF-3-NP | Single family residences |
| <i>East</i> | SF-3-NP | Single family residences |
| <i>West</i> | CS-MU-CO-NP | Automotive repair services |

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Capital Metro (within ¼ mile) |
|--------------------------|------------|-----------------|-----------------------|------------------|-------------------|--------------------------------------|
| Broadway | 54' | 25' | Local | No | Yes | No |
| E 5 th Street | 60' | 40' | Collector | Yes | No | No |

RELATED ZONING CASES:

| CITY FILE # / NAME | ZONING FROM | ZONING TO | CITY COUNCIL |
|--|------------------------|------------------|--|
| C14-02-0183.001 2805 and 2811 E. 5th Street | CS, LI | CS-MU-CO-NP | May 8, 2003: ORDINANCE NO. 030508-26 for CS-MU-CO-NP approved. Conditional overlay prohibits the following uses: Adult oriented businesses, Automotive rentals, Campground, Construction sales and services, Equipment sales, Exterminating services, Laundry services, Residential treatment, Vehicle storage, Drive-in service as an accessory use to commercial uses, Agricultural sales and services, Automotive sales, Commercial off-street parking, Drop-off recycling collection facility, Equipment repair services, Kennels, Pawn shop services, Service station. The following uses are conditional: Conditional Automotive washing (of any type), Building maintenance services. |

A Neighborhood Plan Amendment (NPA) is currently under review for the subject tract, requesting a change from single family residential to mixed use.

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition
 Tillery Square Neighborhood Association
 Tejano Town
 El Concilio Mexican- American Neighborhoods
 Buena Vista Neighborhood Association
 Govalle/ Johnston Terrace Plan Neighborhood Team
 A.N.T. Artists and Neighbors Together
 Friends of the Emma Barrientos MACC
 Guadalupe Neighborhood Development Corporation
 Sierra Club, Austin Regional Group

East Austin Conservancy
 Austin Heritage Tree Foundation
 Barrio Unido Neighborhood Association
 Cristo Rey Neighborhood Association
 Austin Neighborhoods Council
 The Real Estate Council of Austin
 United East Austin Coalition
 Preservation Austin
 Holly Neighborhood Coalition
 SELTexas

CITY COUNCIL DATE/ACTION:

June 11, 2015: The public hearing was conducted and the motion to keep the public hearing open and adopt the first reading of the ordinance for limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning was approved with the following condition: Office or commercial use may not be developed unless a residential use is developed on the property. (11-0) [D. Zimmerman- 1st, O. Houston- 2nd].

ORDINANCE READINGS: 1st 2nd 3rd**ORDINANCE NUMBER:**

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

PHONE: 512-974-2122

ADDITIONAL STAFF COMMENTS:**SITE PLAN**

SP1) Site plans will be required for any new development other than single-family or duplex residential.

SP2) 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.

Compatibility Standards

The site is subject to compatibility standards. Along the south and east property line, 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.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

TRANSPORTATION

TR1. If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of E 5th Street in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

TR2. A Neighborhood Traffic Analysis (NTA) is required for Broadway 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. Please provide traffic counts on Broadway for the NTA to be conducted.

TR3. This project is adjacent to a street where the curb is proposed to be moved to achieve superior bicycle facilities. Staff will contact Nathan Wilkes, Bicycle Program, ATD for guidance for the proper alignment.

TR4. If the requested zoning is granted, it is recommended that joint access be provided for the 2 lots along E 5th Street.

TR5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is identified on E. 5th Street. A dedicated bike lane exists and a bike boulevard is recommended.

TR6. A Capital Metro bus stop is available on Pleasant Valley, approximately 700' northwest from the property.

TR7. Existing Street Characteristics:

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.

P E T I T I O N

Date: 4/14/15

File Number: C14-2014-0194

Address of

Rezoning Request: 2901 E 5th St, Austin, TX, 787

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than residential - single family (sf-3)

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

| <u>Signature</u> | <u>Printed Name</u> | <u>Address</u> |
|--------------------------|---------------------|----------------------------------|
| <u>H. Falvo</u> | Heather Falvo | 2900 E. 4th St. Austin, TX 78702 |
| <u>David Reed</u> | David Reed | 2900 E 4th St, Austin, TX 78702 |
| <u>Alvino B Mendoza</u> | Alvino B Mendoza | 2905 E. 4th St Austin TX 78702 |
| <u>Felicitas O. Cant</u> | Felicitas Cant | 2901 E 4th St Austin TX 78702 |
| <u>Ignacio B. Pulido</u> | Ignacio B. Pulido | 2903 E 4th St 78702 |
| <u>Gracie Nichols</u> | Gracie Nichols | 2907 E 5th St Austin, TX 78702 |
| <u>Gilbert Rodriguez</u> | Gilbert Rodriguez | 304 Presley St |
| <u>Gilbert Velasquez</u> | Gilbert Velasquez | 2902 E 4th St |
| <u>Baldemar Deluna</u> | Baldemar Deluna | 2904 E 4th St |
| <u>Joe Zepeda</u> | Joe Zepeda | 2907 E 4th St |
| <u>BENIGNO GONZALEZ</u> | BENIGNO GONZALEZ | 2906 E. 4th St. |
| <u>Laura Alonso</u> | Laura ALONSO | 305 LINDEN ST. |
| <u>Winnie Hsi</u> | Winnie Hsi | 401 N Plezant Valley Rd. |
| <u>Carol Castillo</u> | Carol Castillo | 2806 E 4th St |

Date: 4/14/15

Contact Name: Heather Falvo

Phone Number: 512-217-7303

Case Number:

C14-2014-0194**PETITION**

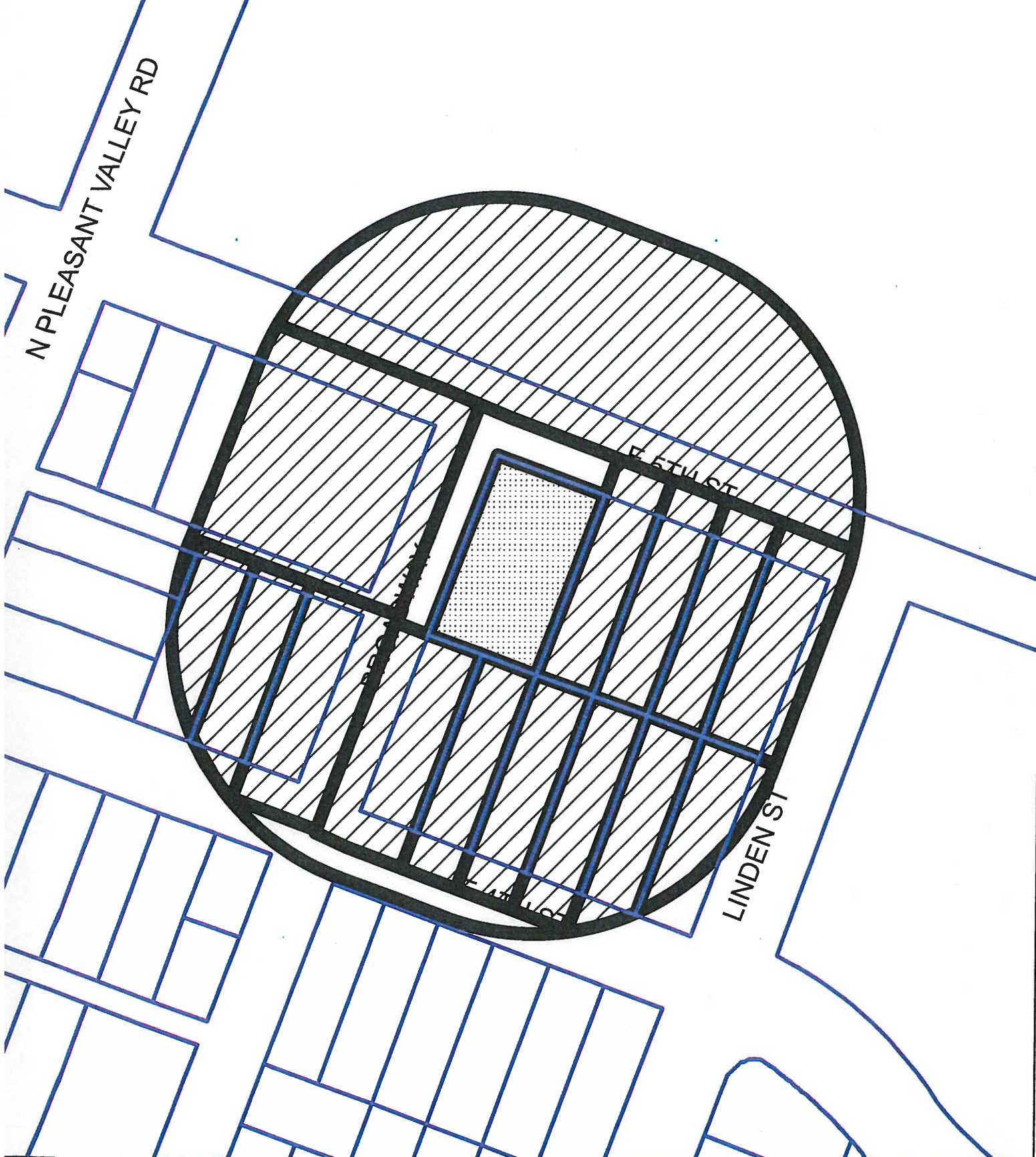
Date: 5/26/2015

Total Square Footage of Buffer: 220994.4053

Percentage of Square Footage Owned by Petitioners Within Buffer: 20.17%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

| TCAD ID | Address | Owner | Signature | Petition Area | Percent |
|--------------|--------------------------------|---|-----------|------------------|---------------|
| 0202120313 | 2900 E 5 ST 78702 | CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY | no | 65470.81 | 0.00% |
| 0202120210 | 2806 E 4 ST 78702 | CASTILLO CAROLANNE | yes | 7460.95 | 3.38% |
| 0202120207 | 2805 E 5 ST 78702 | DCW PROPERTIES LTD DAVID C WOODLAND JR | no | 30576.69 | 0.00% |
| 0202120709 | 2904 E 4 ST 78702 | DELUNA BALDEMAR & MARIA DELALUZ DELUNA | yes | 8279.76 | 3.75% |
| 0202120708 | 2906 E 4 ST | GONZALEZ BENIGNO & DOLORES DELORES GONZALES | yes | 8085.12 | 3.66% |
| 0202120202 | 403 N PLEASANT VALLEY RD 78702 | GRIFFITH DYLAN | no | 29.02 | 0.00% |
| 0202120203 | 405 N PLEASANT VALLEY RD 78702 | GUERRERO JANIE PEREZ ESTATE | no | 324.15 | 0.00% |
| 0202120706 | 2910 E 4 ST | LUGO CRISPIN R | no | 6182.19 | 0.00% |
| 0202120704 | 2909 E 5 ST | RAMIREZ LOUIS | no | 8144.45 | 0.00% |
| 0202120703 | 2907 E 5 ST | RAMIREZ LUIS | no | 8123.06 | 0.00% |
| 0202120711 | 2900 E 4 ST 78702 | REED DAVID W | yes | 12681.08 | 5.74% |
| 0202120702 | 2905 E 5 ST 78702 | RUIZ LINDA | no | 8275.92 | 0.00% |
| 0202120705 | 2911 E 5 ST 78702 | SANCHEZ JOHN | no | 10912.61 | 0.00% |
| 0202120209 | 2812 E 4 ST 78702 | SANCHEZ NATIVIDAD CARMONA | no | 12746.45 | 0.00% |
| 0202120211 | 2804 E 4 ST | STREET OLIVER II | no | 5023.41 | 0.00% |
| 0202120710 | 2902 E 4 ST 78702 | VELASQUEZ GILBERT (REN) | yes | 8057.57 | 3.65% |
| 0202120707 | 2908 E 4 ST | YESCAS VICTORIO & YOLANDA | no | 7496.41 | 0.00% |
| Total | | | | 207869.65 | 20.17% |



N



= 100'

- BUFFER
- PROPERTY_OWNER
- SUBJECT_TRACT

PETITION

CASE#: C14-2014-0194

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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.



November 17, 2014

I have no problem with Michael A Valdez changing his property from Residential to Commercial

NAME:

DATE:

Hilbert Rodriguez

11-17-14

304 Broadway 7870.

Sanchez

11-17-14

Salvador P. Contreras

11-17-14

2901 E. 4th St 78702

Atene Contreras

11-17-14

" " " " "

Dora Pulido

11-17-14

2903 E. 4th St. 78702

Ignacio Pulido

11-17-14

" " " " "

MAYIA DELA LOS RICO DELUNA

11-17-14

2904 E. 4th St. 78702

Baldemar de Luna

11-17-14

2904 E. 4th St. 78702

[Signature]

11/18/2014

2804 E. 4th St. 78702

[Signature]

11/19/2014

2809 E. 4th St. 78702

Alfonso Juan

11/19/2014

2807 E. 4th St. 78702

Isabel Matamoros

11/19/2014

renter 303 Broadway 78701

Victorio Yanes

11-19-2014

2908 E. 4th St. 78702

Dora Zepeda

11-19-2014

X Enriqueta Contreras

11-20-2014

2904 E 3rd 78701

Luis C. Ramirez

5-16-15

2907 E. 3rd 78701

Luis C. Ramirez

5-16-15

2909 E. 5th 78701

AGWHSE

CS-MU-CO-NP C14-01-0166.004
01-0166.004
01-0166

BUS PARKING
P-NP
86-298/P86-040

TRANSPORTATION
TERMINAL
86-298/P86-40

01-0003
LO-CO-NP



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING
CASE#: C14-2014-0194



1" = 200'

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Govalle/Jonston Terrace Neighborhood Contact Team
"Strength Through Unity"

November 24th, 2014

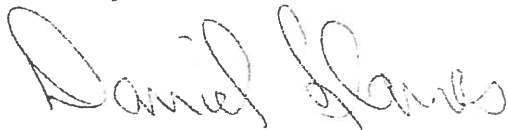
Ms Godoy,

Given that the Govalle/ Johnston Terrace Neighborhood Contact Team approved your zoning change request for your project at 2109 E. 5th Street in June of this year,

Please accept this letter as confirmation that the Govalle/Johnston Terrace Neighborhood Contact Team will support and initiate an out of cycle plan amendment application for you when you are ready to do so.

Please let me know if you need anything else from us.

Thank you,

A handwritten signature in cursive script that reads "Daniel Llanes".

Daniel Llanes, Chair
Govalle/Johnston Terrace Neighborhood Contact Team
512-431-9665

30
SCANNED

Chaffin, Heather

From: Meredith, Maureen
Sent: Monday, March 02, 2015 12:44 PM
To: Nick
Cc: Chaffin, Heather
Subject: RE: Zoning Case C14-2014-0194

Nick:
Thank you for your comments. We will add them to our case reports once the cases are scheduled for Planning Commission and City Council.

Maureen.

-----Original Message-----

From: Nick [REDACTED]
Sent: Friday, February 27, 2015 2:45 PM
To: Meredith, Maureen
Subject: Zoning Case C14-2014-0194

Maureen,

I'm emailing today in regard to the zoning case # C14-2014-0194

I'm opposed to this zoning change. This small community, although separated from the rest of the bulk of East Austin between Pleasant Valley and I-35, is part of it as well. I believe changing the zoning will congest these small neighborhood roads. Issues of parking will arise as well. Already I have seen a rise in people parking in front of my house and all down Broadway Street. Yes, this affects me personally more than the other neighbors because the land is basically in my "backyard," but the bigger picture here is the community. Having a tight knit community around Brooke Elementary promotes community and family around those children. Right now they are able to walk to school with their parents, or play on the play ground on the weekends, and I feel as if moving big business into all of these people's backyards doesn't help the community as much as it will harm it. What else can I do to show my opposition aside from this email?

Regards,
Nick

Chaffin, Heather

From: Dave Reed [REDACTED]
Sent: Thursday, May 07, 2015 10:19 PM
To: Meredith, Maureen
Cc: Chaffin, Heather; Heather Falvo
Subject: Re: NPA-2014-0016.03 - 2901 E. 5th Street

Maureen,
Thanks for asking.

A number of neighbors did download and sign a petition regarding the cases mentioned below. I believe that was mailed approximately 1 week ago. The neighbors are against the property being zoned anything other than residential. There would be some willingness to allow higher density residential, but we would want to understand before any agreements were made. The current neighborhood plan has the property designated as Single Family.

When discussed during the community meeting, there was not a specific business idea or business plan in place to help us evaluate the impact to the neighborhood. The neighbors are concerned that any agreement on initial commercial use could change, even if a restrictive covenant were identified.

As discussed in the community meeting, the neighborhood is already experiencing significant traffic and parking overflow from Pleasant Valley, 5th Street, and 2nd Street. Any additional movement towards commercial would risk increasing these issues. Some informal discussion has begun concerning a neighborhood street parking permit application.

Some examples of the traffic and parking congestion:

- A significant number of vehicles from the Capital Metro administrative offices (at Broadway and 5th Street) park in the neighborhood. Sometimes these cars overlap driveways or prevent older residents from having visitors park near their homes.
- Auto mechanic and body shop business at the corner of 5th and Broadway use the street as a significant portion of the parking for their customers during the daytime as well as an adjacent residentially zoned vacant lot.
- Churches and health clinics are along Broadway near the 2nd street and 3rd street intersections. These entities sometimes require overflow parking.
- Lustre Pearl is in the process of re-opening at the corner of 2nd and Linden. That property has little to no off street parking. If anything similar to Rainey street develops, we would be very concerned.

Rezoning Application Case: C14-2014-0194 2901 E 5th St

From: SF-3
To: GR-MU-NP

Neighborhood Plan Amendment: NPA-2014-0016.03 2901 E 5th St

From: Single Family
To: Mixed Use

Please include our comments within the case.

Thanks,
David Reed