

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0142 – 4501 E St. Elmo Rd
Zoning Change

P.C. DATE: January 12, 2016

ADDRESS: 4501 East St. Elmo Road

DISTRICT AREA: 2

OWNER: Emilia Linares

AGENT: Moncada Consulting
(Phil Moncada)

ZONING FROM: LO-NP **TO:** LO-MU-NP **AREA:** 0.45 acres (19,602 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited office – mixed use – neighborhood plan (LO-MU-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

January 12, 2016:

ISSUES:

With consent from the Southeast Contact Team, the neighborhood plan amendment was filed out of cycle. The required Plan Amendment meeting was held on November 18, 2015 at the Southeast Branch Public Library. The Contact Team has requested a postponement until February 9, 2016. Please refer to attached postponement request at the back of this packet. The Applicant is not in agreement with the postponement request.

In February 2015, a Code Department investigation resulted in a citation of the owner regarding to the need to obtain a change of use permit, a Certificate of Occupancy, and a rezoning of the property (the latter determination was incorrect, as discussed below) (CV-2015-002565). The neighborhood plan amendment and rezoning cases were filed on October 19th and 20th, 2015, respectively.

DEPARTMENT COMMENTS:

The subject rezoning area is situated on the south side of East St. Elmo Road, east of its intersection with South Pleasant Valley Road / Todd Lane, and has limited office – neighborhood plan (LO-NP) district zoning. The property contains three apartment units which function as a group home, class II use, as well as a parking area. A group home, class II is a civic land use and as defined in the Land Development Code, is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 15 residents and not more than 3 supervisory personnel. This use includes

homes for juvenile delinquents, halfway houses providing residence instead of institutional sentencing, and halfway houses providing residence to those needing correctional and mental institutionalization. There are 15 residents who live on the property and 3 staff members who work at the facility which is supervised 24 hours a day. The facility is inspected by the Department of Aging and Disability and Adult Protective Services. The group home, class II use is a conditional use in the LO base district, hence a conditional use permit (CUP) is necessary, and that application must be filed with the City and subsequently reviewed by the Planning Commission. A change of use permit and a Certificate of Occupancy (CO) must also be obtained for the facility.

There is undeveloped land and a church to the north (LI-NP), apartments and condominiums to the east (MF-3-CO-NP; SF-6-CO-NP); laundry services, a waterway and apartments to the south (CS-1-NP; RR-CO-NP; MF-3-CO-NP) and a towing yard and an American Legion Post to the west (LI-CO-NP; SF-2-CO-NP). Please refer to Exhibit A (Zoning Map), A-1 (Aerial) and B (Recorded Plat).

Although the group home, class II use is allowed by the current LO-NP zoning, the Applicant would like to pursue the addition of a mixed use (-MU) combining district in order to have the added flexibility that would enable redevelopment for residential uses, if desired in the future. Staff thinks that the addition of -MU along a collector street is appropriate for residential and office uses, and would be consistent with the adjacent multi-family residential uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-NP	Group Home, Class II with parking area
<i>North</i>	LI-NP	Undeveloped; Religious assembly
<i>South</i>	CS-1-NP; RR-CO-NP; MF-3-CO-NP	Laundry services; Apartments
<i>East</i>	RR-CO-NP; MF-3-CO-NP	Apartments; Condominiums
<i>West</i>	LI-CO-NP	Vehicle storage; Club or lodge

NEIGHBORHOOD PLANNING AREA: Southeast Combined (Franklin Park)

TIA / NTA: Is not required

WATERSHEDS: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Rodriguez Elementary School

Mendez Middle School

Travis High School

NEIGHBORHOOD ORGANIZATIONS:

96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 176 – Kensington Park Homeowners Association
 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 753 – Paisano Mobile Home Park Neighborhood Association
 1228 – Sierra Club, Austin Regional Group 1258 – Del Valle Community Coalition
 1316 – Southeast Combined Neighborhood Plan Contact Team
 1340 – Austin Heritage Tree Foundation
 1363 – SEL Texas 1408 – Go!Austin / Vamos!Austin – Dove Springs
 1438 – Dove Springs Neighborhood Association 1441 – Dove Springs Proud
 1447 – Friends of the Emma Barrientos MACC
 1528 – Bike Austin 1530 – Friends of Austin Neighborhoods

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0176.SH – Pleasant Valley Courtyards (SMART Housing) – 4503 – 4511 E St. Elmo Rd	MF-3-CO to MF-3-CO, to amend uses allowed on Tract One	To Grant MF-3-CO to allow multi-family residence units on Tract One, development of the property may not exceed 7 residential units, the units shall be contained in a single building not to exceed 2 stories/40' in height.	Apvd as Commission recommended (02-05-2004).
C14-03-0026, C14-03-0027; C14-03-0121; C14-03-0122; & C14-03-0123 – All cases were addressed on E St. Elmo Rd	Add a CO to establish a development setback for unclassified waterways	To Grant the add'l CO for a setback that prohibits development for 50' in both directions from the centerline of an open waterway. Exceptions include utility crossings, hike & bike trails, driveway crossings and roadway crossings	Apvd as Commission recommended (6-05-2003; 7-17-2003; 10-02-2003).
C14-02-0155.SH – Pleasant Valley Courtyards (SMART Housing) – 4503-4511 E St. Elmo Rd.	RR-NP; LO-NP; CS-NP to MF-3-CO-NP	To Grant MF-3-CO-NP w/CO for max. 163 units and 2,000 trips/day, and requiring setbacks from creek centerlines.	Apvd RR-NP and MF-3-CO-NP. The CO establishes a max of 163 units (10.038 u.p.a.); 2,000 trips, 50' creek setback; prohibits communiy rec (private)

			use on Tracts 1 & 2, and prohibits residential units on Tract One (10-31-2002).
C14-86-025(RCA) – 4503, 4511, 4601 E St. Elmo Rd – Pleasant Valley Courtyards	Request to terminate Item 1 of the Restrictive Covenant so that residential access may be taken from both E St Elmo and S Pleasant Valley Rd	To forward the request without a recommendation	Apvd vehicular access for a residential or civic use to E St Elmo Rd from Tract Two only to occur from specific location; access to St. Elmo shall be entrance only after Pleasant Valley Rd is open to the public; prohibits access from Tract Two to St. Elmo if it is used for commercial or industrial use (01-09-2003).

RELATED CASES:

The subject property is located within the boundaries of the Southeast Combined (Franklin Park) Neighborhood Planning Area and the –NP combining district was appended to the LO zoning at that time (C14-02-0128.01 – Ordinance No. 021010-12a). There is a corresponding neighborhood plan amendment case to change the land use designation on the Future Land Use Map (FLUM) from Industry and Multifamily land uses to Mixed Use/Office land use (NPA-2015-0014.01).

The subject property was zoned LO on December 20, 1984, and the case included an adjacent tract to the south that was zoned CS-1 (C14-84-248 – Cates Properties). A public Restrictive Covenant applies to the CS-1-NP zoned area and limits its use to shop use, storage and general warehouse, and contains a rollback provision to LO if the use ceases.

The property is the north portion of Lot 1, Kimberly Addition, recorded in January 1985 (C8S-84-165).

There are no site plan applications currently in process on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
East St. Elmo Road	60 feet	25 feet	Collector	No	Yes; Shared Lane; Route # 74	No

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a Buffered Bike Lane is recommended for St. Elmo Road.

CITY COUNCIL DATE: February 11, 2016

ACTION:

ORDINANCE READINGS: 1st

2nd

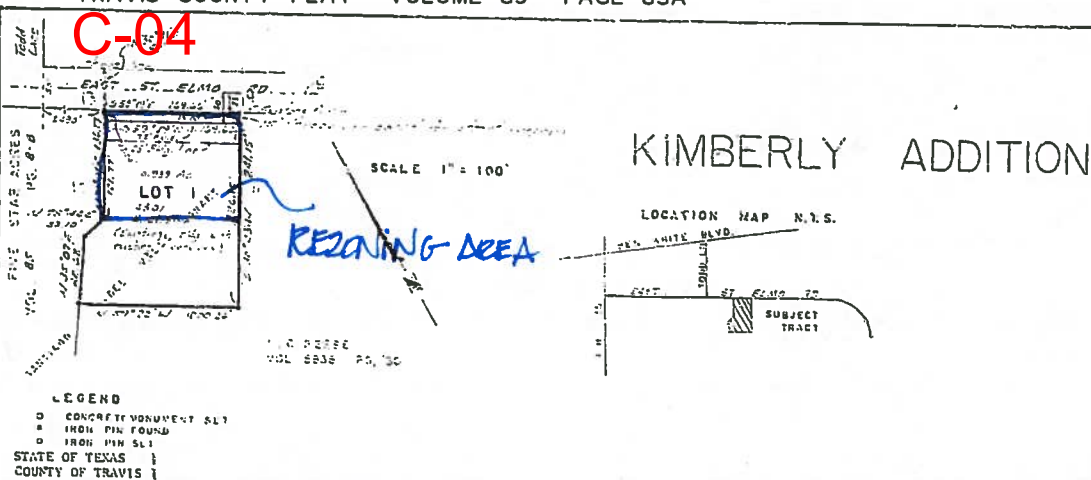
3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719





KNOW ALL MEN BY THESE PRESENTS:

THAT, CATES PROPERTIES, INC., A CORPORATION EXISTING UNDER THE LAWS OF THE STATE OF TEXAS AND HAVING ITS HOME OFFICE IN AUSTIN, TEXAS, OWNER OF 1.00 ACRE OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 7724, PAGE 848 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ACTING HEREIN BY AND THROUGH ITS CONTROLLER, MARK CATES DOES HEREBY SUBDIVIDE SAID TRACT OF LAND IN ACCORDANCE WITH THE PLAT SHOWN HEREON SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, TO BE KNOWN AS KIMBERLY ADDITION AND IT DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.

WITNESS MY HAND THIS THE 17th DAY OF July, 1984, A.D.

STATE OF TEXAS
COUNTY OF TRAVIS

CATES PROPERTIES, INC.
MARK CATES, CONTROLLER

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED MARK CATES KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AS CONTROLLER OF CATES PROPERTIES, INC., AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT AND DEED OF SAID CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 17th DAY OF July, 1984.

APPROVED FOR ACCEPTANCE 1984 11, 1984

DIRECTOR OF OFFICE OF LAND DEVELOPMENT SERVICES - JAMES B. DUNNAN
CITY OF AUSTIN, TEXAS DEC. 11, 1984, A.D.

CHAIRMAN Gilbert M. Martine
GILBERT M. MARTINE

SECRETARY Ed Wendler Jr.
ED WENDLER, JR.

FILED FOR RECORD AT 10:40 O'CLOCK A.M. THE 17th DAY OF Jan, 1985

Doris Shropshire
DORIS SHROPSHIRE, CLERK COUNTY COURT,
TRAVIS COUNTY, TEXAS

K. Terrell
DEPUTY K. TERRELL

STATE OF TEXAS
COUNTY OF TRAVIS

I, DORIS SHROPSHIRE, CLERK COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 17th DAY OF Jan, 1985 A.D. AT 10:40 O'CLOCK A.M. AND DULY RECORDED ON THE 17th DAY OF Jan, 1985 A.D. AT 10:45 O'CLOCK A.M. IN THE PLAT RECORDS OF SAID COUNTY, IN PLAT BOOK 85, PAGE 83A.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY, THIS THE 17th DAY OF Jan, 1985, A.D.

DEPUTY

K. Terrell
K. TERRELL

Doris Shropshire
DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER OR TO AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM, WHICH HAS BEEN APPROVED BY THE AUSTIN-TRAVIS COUNTY HEALTH DEPARTMENT. NO CONSTRUCTION MAY BEGIN ON ANY LOT UNTIL PLANS FOR A SEWAGE DISPOSAL SYSTEM ARE SUBMITTED TO AND APPROVED BY THE AUSTIN-TRAVIS COUNTY, HEALTH DEPARTMENT. THIS SUBDIVISION HAS BEEN ACCEPTED FOR DEVELOPMENT FOR SEPTIC TANK USE BY THE AUSTIN-TRAVIS COUNTY HEALTH DEPARTMENT.

HEALTH OFFICER James H. Smith DATE 11 Jan 1985

I, JAMES N. GRANT, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 13-3 OF THE AUSTIN CITY CODE: IS TRUE AND CORRECT: AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

AS SURVEYED BY:
RALPH HARRIS SURVEYORS, INC.

James M. Grant
JAMES N. GRANT
REG. P.T. SUR. NO. 1919
2406 Nether
Austin, TX 78704

April 9, 1984

Lloyd R. Flanagan
LLOYD R. FLANAGAN
REGISTERED PROFESSIONAL ENGINEER NO. 17942
1214 West 5th Street - Austin, Texas 78703

NOTES: **SIDEWALK NOTE:** SIDEWALKS SHALL BE INSTALLED ON THE SOUTH SIDE OF EAST ST. ELMO ROAD. SUCH SIDEWALKS SHALL BE COMPLETED PRIOR TO ACCEPTANCE OF ANY TYPE 1 & TYPE 11 DRIVEWAY APPROACH AND/OR CERTIFICATE OF OCCUPANCY.

FLOOD NOTE: ACCORDING TO THE F.I.R.N. MAP FOR TRAVIS COUNTY, TEXAS, COMMUNITY NO. 481026 DATED APRIL 1, 1982, THIS LOT IS WITHIN ZONE C (AREA OF MINIMAL FLOODING AND NOT WITHIN AN IDENTIFIED 100 YEAR FLOOD PLAIN) AS SHOWN ON PANEL 170 OF 415.

NOTE: PRIOR TO CONSTRUCTION ON LOT 1, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN ENGINEERING DEPARTMENT FOR REVIEW. RAINFALL RUNOFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY USE OF FLOODING OR OTHER APPROVED METHODS.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A POTABLE WATER SUPPLY FROM AN APPROVED PUBLIC WATER SUPPLY WITH ADEQUATE QUANTITY FOR FAMILY USE AND OPERATION OF AN APPROVED SEPTIC TANK SYSTEM.

NOTE: NO PART OF THIS SUBDIVISION LIES WITHIN THE 100-YEAR FLOOD PLAIN.



Vol. 95 Page 83A
PLAT RECORDS, TRAVIS COUNTY, TEXAS
85 959

RECEIVED

AUG 5 1984
LAND DEV. SERV.
CITY OF AUSTIN

CB9-84-165

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited office – mixed use – neighborhood plan (LO-MU-NP) combining district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The limited office (LO) district is a designation for offices and selected commercial uses predominantly serving neighborhood or community needs, and is located in or adjacent to residential neighborhoods. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The NP, neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

- 2. The proposed zoning should allow for a reasonable use of the property.*

Although the group home, class II use is allowed by the current LO-NP zoning, the Applicant would like to pursue the addition of a mixed use (-MU) combining district in order to have the added flexibility that would enable redevelopment for residential uses, if desired in the future. Staff thinks that the addition of -MU along a collector street is appropriate for residential and office uses, and would be consistent with the adjacent multi-family residential uses.

EXISTING CONDITIONS**Site Characteristics**

The subject tract contains a group home, class II facility and parking area is sparsely vegetated and relatively flat. There appear to be no significant topographical constraints on the site.

Impervious Cover

Within the Williamson Creek watershed, the maximum impervious cover allowed by the LO zoning district would be 70%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson 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 a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

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.

Site Plan

Any new development to the site will require a site plan application.

The site plan will be required to comply with Subchapter E design standard requirements

The roadway type for this site is suburban, and will be required to comply with the development regulations based on this roadway type. If the site is 5 acres or greater, the roadway will be an internal circulation route.

Transportation

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

A Neighborhood Traffic Analysis may be required at the time of site plan.

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]. If, at the time of site plan, the project generates over 2,000 vehicle trips per day, a TIA will be required.

Water / 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 the Austin Water Utility 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.

JANUARY 6, 2016

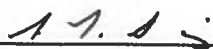
TO: PLANNING COMMISSION

FR: SOUTHEAST COMBINED NEIGHBORHOOD PLAN CONTACT TEAM

RE: POSTPONEMENT REQUEST for cases:
NPA-2015-0014.01 and C14-2015-0142

The Southeast Combined Neighborhood Plan Contact Team respectfully requests a postponement of cases NPA-2015-0014.01 and C14-2015-0142 from the January 12, 2016, Planning Commission public hearing date to the February 9, 2016 Planning Commission hearing date because the Contact Team has new information regarding the rezoning request and needs time to meet with the owner and inquire on what the owner's intent is regarding the property's future use and the impact it will have on the Neighborhood Plan.

Signed,



Ana Aguirre, Chair
SCNPCT

Rhoades, Wendy

From: Meredith, Maureen
Sent: Thursday, January 07, 2016 8:59 AM
To: Moncada Consulting; Ana Aguirre
Cc: JaNet Barkley Booher; Patches Brashear; Edward Craig; Delia Garza; Mona Gonzales; Annie Harton; fmjmn1@netzero.com; Monte Job; Gloria Lugo; George Morales; Lary Moseley; Pat Smith; cjspencer1971@gmail.com; sara_jacqueline@hotmail.com; Valenti, Margaret; Robert Williams; Ofelia Zapata; Rhoades, Wendy
Subject: RE: PCT Rec? - NPA-2015-0014.01_4501 S St. Elmo Rd

To All:

Given Phil's email below, on January 12, 2016 Planning Commission hearing date, it appears the zoning case and the plan amendment case will be a **postponement discussion** whereby a member of the Southeast Combined PCT will need to be there to present to the Planning Commission your reasons why you are requesting the postponement (they will also have the request you sent yesterday) and Phil will be there to make his case for the client as to why he does NOT want the postponement. The Planning Commissioners might ask some questions of each side, then take a vote to decide if the case will be postponed or not.

The public hearing starts at 6:00 p.m., so please be at the City Council Chambers at that time. Like I said above, at least one member of the Southeast PCT will need to be there to represent your group.

Please let me know if you have any questions.

Maureen

From: Moncada Consulting [mailto:moncadataz@sbcglobal.net]
Sent: Thursday, January 07, 2016 8:51 AM
To: Ana Aguirre; Meredith, Maureen
Cc: JaNet Barkley Booher; Patches Brashear; Edward Craig; Delia Garza; Mona Gonzales; Annie Harton; fmjmn1@netzero.com; Monte Job; Gloria Lugo; George Morales; Lary Moseley; Pat Smith; cjspencer1971@gmail.com; sara_jacqueline@hotmail.com; Valenti, Margaret; Robert Williams; Ofelia Zapata; Rhoades, Wendy; Moncada Consulting
Subject: Re: PCT Rec? - NPA-2015-0014.01_4501 S St. Elmo Rd

Good Morning,

I on behalf of my client do not wish to delay this public hearing that is only requesting to submit for a zoning change out of cycle. This is the only item we needed to submit to COA. We received approval from the neighborhood on October 2015 to submit. The requested zoning to add MU will not alter or modify any site improvements at this time. We are requesting the MU to include residential if the group home ceases to operate. Per discussions with COA our current zoning already allows the group home.

Respectfully,
Phil Moncada

Moncada Enterprises LLC 1301 S. I-H 35 Suite # 204 Austin, Texas 78741 Phil's cell: 512-627-8815
Office: 512-474-7377 Fax: 512-474-4923