

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2016-0041 -- East Sixth Village South

DISTRICT: 3

REQUEST: Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2416 E. 6th Street (Lady Bird Lake watershed) from limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial service-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning

DEPARTMENT COMMENTS: No conditions were added by City Council.

OWNER / AGENT: 2416 East Sixth Street LP (Timothy Clark)

DATE OF FIRST READING: First reading approved on September 22, 2016. Vote: 10-0

CITY COUNCIL HEARING DATE: December 8, 2016

CITY COUNCIL ACTION: 1st reading- 9/22/2016

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

<u>CASE:</u> C14-2016-0041 East Sixth Street Village South	<u>P.C. DATE:</u> July 26, 2016 July 12, 2016
<u>ADDRESS:</u> 2416 E. 6 th Street	<u>AREA:</u> 1.86 acres
<u>DISTRICT:</u> 3	
<u>OWNER:</u> 2416 East Sixth Street LP (Timothy Clark)	
<u>AGENT:</u> 2416 East Sixth Street LP (Timothy Clark)	
<u>FROM:</u> LI-CO-NP	<u>TO:</u> CS-V-CO-NP
<u>NEIGHBORHOOD PLAN AREA:</u> Holly	<u>TIA:</u> Not Applicable
<u>WATERSHED:</u> Lady Bird Lake	<u>SCENIC ROADWAY:</u> No
<u>CAPITOL VIEW CORRIDOR:</u> No	<u>DESIRED DEVELOPMENT ZONE:</u> Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request of general commercial service-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP). The proposed zoning includes the following conditions:

1. The following land uses would be prohibited: Campground, Kennels, Convenience storage, Vehicle storage, Service station, Exterminating services, Pawn shop services, Alternative financial services, Bail bond services, and Commercial blood plasma center.
2. The following land use would be conditional: Automotive washing (of any type).
3. No additional driveways may be constructed along the East 6th Street frontage. [The subject property shares a joint access driveway easement that accesses East 6th with the property to the west.]

ISSUES:

The subject property was previously part of a rezoning case that included the property to the west. The Applicant requested that both properties be rezoned from LI-CO-NP to CS-V-CO-NP. However, prior to approval, the Applicant decided later to keep the LI-CO-NP on the subject property for an anticipated commercial/limited industrial development. The property to the west was granted CS-V-CO-NP with the conditions listed above in the Summary Staff Recommendation. The Applicant decided to pursue CS-V-CO-NP zoning on the subject tract when the commercial/limited industrial development did not proceed.

PLANNING COMMISSION RECOMMENDATION:

July 26, 2016: *TO GRANT CS-V-CO-NP AS RECOMMENDED BY STAFF WITH THE ADDITIONAL CONDITION THAT OUTDOOR AMPLIFIED SOUND BE PROHIBITED, ON CONSENT, (8-1) [S. Oliver- 1st, J. Shieh-2nd; F. Kazi- Arrived late for vote; J. Schissler- Recused; J. Thompson, A. Pineyro-DeHoyos- Absent]*

July 12, 2016: *TO GRANT A POSTPONEMENT TO JULY 26, 2016, AS REQUESTED BY STAFF, ON CONSENT, (12-0) [J. Shieh- 1st, J. Schissler-2nd; N. Zaragosa, J. Mathias- Absent]*

DEPARTMENT COMMENTS: The subject property is located west of Pedernales Street between East 6th Street and Hidalgo Street. The subject property is zoned LI-CO-NP, and is currently a vacant warehouse. Across Hidalgo Street to the north is a mix of personal improvement services and limited warehousing & distribution

uses, as well as undeveloped lots. These properties back up to a commercial area along East 7th Street. These properties are zoned LI-CO-NP and CS-MU-CO-NP. Across Pedernales Street to the east is a residential area bounded by commercial land uses. Along Pedernales are several vacant parcels, as well as a bar, restaurant, and warehouse land uses. These are zoned CS-1-MU-CO-NP, CS-MU-CO-NP, and LR-MU-NP. The interior of the residential area, further east, is zoned SF-3-NP. Across East 6th Street to the south are the Pedernales Lofts, a condominium development with ground floor commercial development along 6th Street. Across the railroad tracks to the west is the University of Texas Elementary School, zoned CS-MU-CO-NP. *Please refer to Exhibits A and B (Zoning Map and Aerial View).*

This area was zoned in 2001 as part of the Holly Neighborhood Plan process, via the associated zoning case, C14-01-0166. This property, was a contested tract, and was processed later, in 2003. At the time, the property, including the lot immediately to the west, was occupied by the Balcones Recycling facility, which required an industrial zoning classification. That zoning case, C14-01-0166.002a, modified the Neighborhood Plan and addressed this property and other contested tracts. The 2003 zoning ordinance established LI-CO-NP zoning for the subject property, identifying conditional and prohibited land uses for this and the other contested properties.

As stated in the Issues section, the rezoning tract was originally included in the rezoning application for the property immediately to the west. That property was zoned from LI-CO-NP to CS-V-CO-NP in 2014, and the proposed and conditional uses with this request match the property to the west. This property is also prohibited from adding more driveways to East 6th Street, beyond the existing shared driveway between the two properties. Please refer to *Exhibit C (Driveway Easement Exhibit).*

The proposed project is for a mixed use building of approximately 250-270 residential units as well as pedestrian oriented commercial uses. Since the project proposes to apply VMU bonuses for parking and density, the property will provide a minimum of 10% affordable units.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO-NP	Vacant warehouse (former recycling center)
<i>North</i>	LI-CO-NP, CS-CO-MU-NP	Personal improvement services, limited warehousing & distribution, undeveloped
<i>South</i>	CS-CO-MU-NP	Condominium residential, retail, restaurant
<i>East</i>	CS-1-CO-MU-NP, CS-CO-MU-NP, LR-MU-MP, SF-3-NP	Vacant, cocktail lounge, restaurant, single family residential
<i>West</i>	CS-CO-MU-NP	Railroad right-of-way, Primary school

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
C14-01-0166.02a (contested tracts)	CS-CO-MU-NP, etc.	Approved LI-CO-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)
C14-2013-0083 2400 E. 6 th Street	LI-CO-NP to CS-V-NP, as amended (original request-MF-6-NP)	1/14/2014: <i>GRANTED CS-V-CO-NP, ON CONSENT, (8-0-1). [HERNANDEZ-1ST, STEVENS - 2ND: HATFIELD ABSENT]</i>	5/15/2014: Approved
C14-2016-0003 2406 and 2406 ½ Hidalgo St	LI-CO-NP to CS-MU-NP	May 10, 2016: <i>TO 5/10/2016: GRANT CS-MU-CO-NP, ON CONSENT, (12-0) [J. Shieh- 1st, J. Schissler-2nd; N. Zaragosa, J. Mathias- Absent]</i>	6/16/2016: Approved

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
E 6th Street	60'	47'	Collector	No	No	No
Pedernales Street	60'	40'	Collector	Yes	No	Yes
Hidalgo Street	60'	27'	Local	No	No	No

SCHOOLS:

Zavala Elementary School

Martin Middle School

Eastside Memorial HS at Johnston

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council
 Artists and Neighbors Together (ANT)
 PODER
 Pedernales Neighborhood Association
 Del Valle Community Coalition
 Preservation Austin
 Sentral Plus East Austin Koalition (SPEAK)
 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)
 Buena Vista Neighborhood Association
 Holly Neighborhood Coalition
 African American Cultural Heritage District Business Association
 Blackshear Prospects Hills

CITY COUNCIL DATE & ACTION:

August 11, 2016: *TO GRANT POSTPONEMENT TO SEPTEMBER 22, 2016, AS REQUESTED BY APPLICANT, ON CONSENT. (11-0) [K. Tovo- 1st, L. Pool- 2nd]*

September 22, 2016: *TO GRANT CS-V-CO-NP AS RECOMMENDED, FIRST READING ONLY, ON CONSENT. (10-0) [O. Houston- 1st, G. Casar- 2nd, E. Troxclair- Absent]*

October 13, 2016: *TO GRANT POSTPONEMENT TO NOVEMBER 10, 2016, AS REQUESTED BY APPLICANT, ON CONSENT. (9-0) [D. Zimmerman- 1st, S. Gallo- 2nd; S. Renteria, E. Troxclair- Absent]*

November 10, 2016: *TO GRANT POSTPONEMENT TO DECEMBER 8, 2016, AS REQUESTED BY APPLICANT, ON CONSENT. (11-0) [D. Zimmerman- 1st, O. Houston- 2nd]*

December 8, 2016:

ORDINANCE READINGS: 1st 9/22/2016 2nd 3rd **ORDINANCE NUMBER:**

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

PHONE: 512-974-2122

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request of general commercial service-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP). The proposed zoning includes the following conditions:

1. The following land uses would be prohibited: Campground, Kennels, Convenience storage, Vehicle storage, Service station, Adult oriented businesses, Exterminating services, Pawn shop services, Alternative financial services, Bail bond services, and Commercial blood plasma center.
2. The following land use would be conditional: Automotive washing (of any type).
3. Development of the property will be subject to the terms and requirements of a Traffic Impact Analysis (TIA) which will be recorded in a public restrictive covenant.

Staff supports the rezoning request because it reduces industrial-zoned properties in the area, as is promoted by the Holly Neighborhood Plan. The property was previously proposed to be rezoned with the property to the west, but was not when a potential commercial/industrial buyer expressed interest in this site. Staff had supported CS-V-CO-NP on this site when combined with the property to the west, and the proposed rezoning includes the same conditions. The rezoning to the west also passed Planning Commission and City Council on consent. In addition to the CS-V-CO-NP to the west, there are several surrounding parcels with CS-MU and similar zoning. The implementation of Vertical mixed use zoning (V) will allow development similar to other nearby mixed use condominiums. According to Imagine Austin, the proposed rezoning is located in an Activity Corridor, and is nearby a future High Capacity Transit Corridor, which includes areas appropriate for V zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

V zoning is intended for areas that have or are anticipated to have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. V zoning:

- Encourages density on commercial corridors with higher levels of transit service
- Focused on the creation of a high quality pedestrian and transit-supportive environment
- Consistent with Envision Central Texas (ECT) Preferred Scenario
- Provides a more sustainable development pattern

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

The proposed CS-V-CO-NP is a similar zoning classification to most surrounding parcels, and will therefore promote similar land use development. Additionally, it is a down-zoning from a more intensive industrial zoning classification, which also reduces detrimental impacts.

Site Plan:

SP 1. 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.** VMU has reduced building setbacks and floor to area ratios (FAR), building coverage, and parking requirements. Also, these requirements can be exempted based on certain affordability and development bonus criteria.

SP2. The site is subject to compatibility standards. Along the north property line (adjacent to residential land uses), the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of 2 stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of 3 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.
- 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.

Transportation:

TR1. No additional driveways are permitted to access East 6th Street. The property may take vehicular access to East 6th Street via the existing joint access driveway along the western property line.

TR2. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
E 6 th Street	60'	47'	Collector	NA
Pedernales Street	60'	40'	Collector	NA
Hidalgo Street	60'	27'	Local	NA

TR3. There are existing sidewalks along Pedernales Street. There are no sidewalks along the northern side of E 6th Street (along the site). There are no sidewalks along Hidalgo Street.

TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, there are no existing or recommended bicycle facilities along the roadways.

TR5. Capital Metro bus service (route nos. 4 and 122) is available along at the intersection of E 7th Street and Pedernales Street a block north of the site.

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. No trees are located on this property. 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.

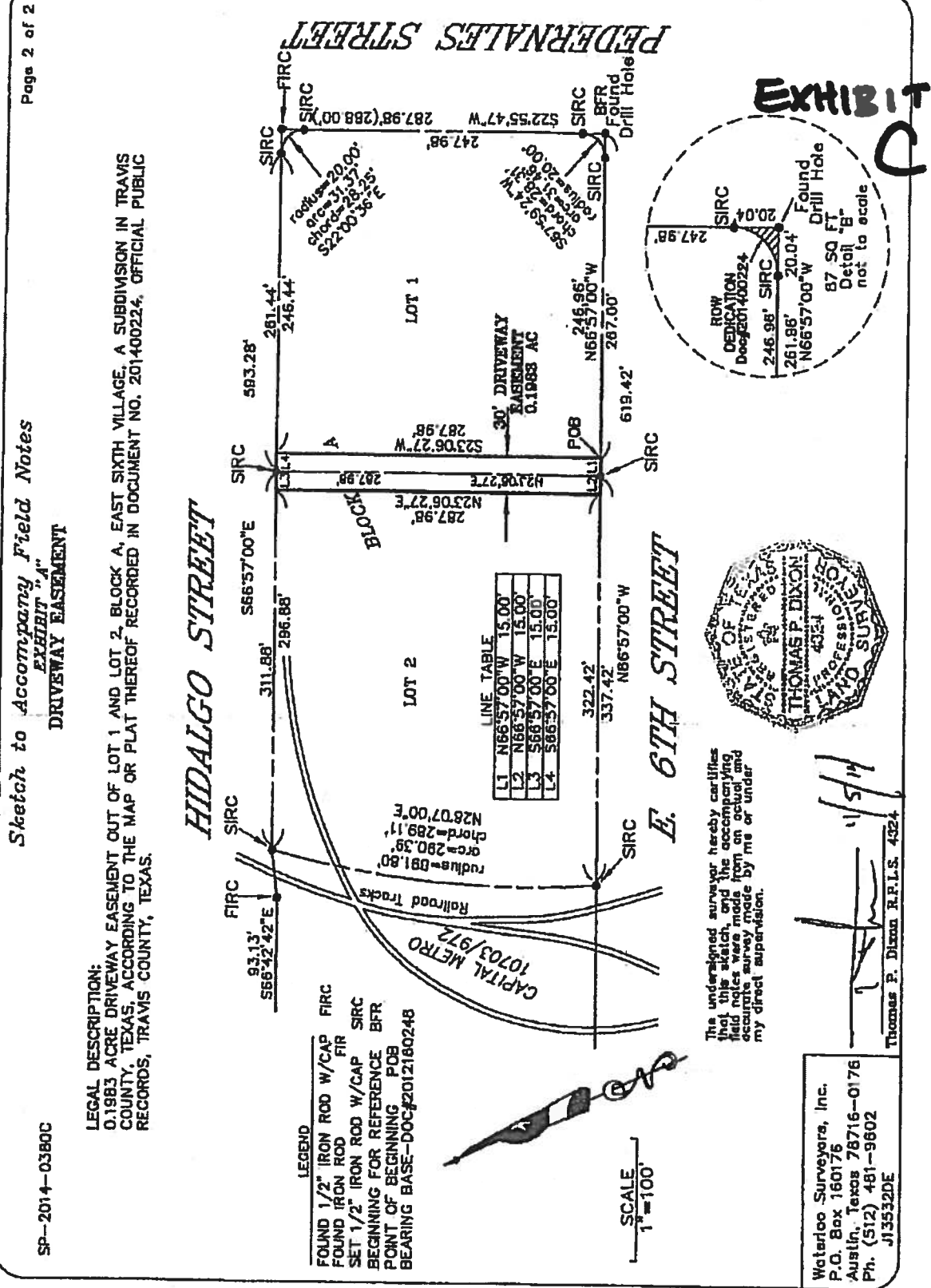
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.







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/planning.

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: C14-2016-0041
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Jul 12, 2016, Planning Commission
Aug 11, 2016, City Council

AE6 Apartments, LLC

Your Name (please print)

1400 E. 6th St.

Your address(es) affected by this application

See Attached

Signature

Daytime Telephone: 214-742-8545

Date

7/7/16

☒ I am in favor
☐ I object

Comments:

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

City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

E. 6th Village South

DATE: July 24, 2016

TO: MAUREEN.MEREDITH PLANNING AND ZONING DEPT.
Maureen.Meredith@austintexas.gov

FROM: GLORIA MORENO, PRESIDENT
PEDERNALES NEIGHBORHOOD ASSOCIATION

CC: Michael Whellen, Gavino Fernandez, Tracy Ekstrand

SUBJECT: CASE #'S C14-2016-0043 & C14-2016-0041

Dear Maureen,

As President of Pedernales Neighborhood Association I am writing this letter to you to let you know that we have agreed to support the projects (CASE #'S C14-2016-0043 & C14-2016-0041) planned to be down-zoned from LI. We have also spoken and welcome these projects even though we do have concerns.

CONCERNS:

1. Heavy traffic will be infiltrating northbound and southbound on Pedernales Street. Pedernales Street already has ultra heavy traffic in the mornings and ultra heavy traffic in the afternoons. Our recommendation is that the project owner work with us to come up with a better solution.
2. We request the project owners to negotiate with us to have the cement buffers removed from the bike lanes. They are not needed and are causing many problems. They also narrow down the driving lanes on Pedernales Street from East 5th to E. 7th Street.
3. Amplified music and concerts should not be permitted on the premises.
4. Bookstores selling "R" Rated Materials should not be allowed.

We hope to be able to work together to keep our community safe and secure.

If you have any questions please do not hesitate to contact me.

Sincerely,
Gloria Moreno