

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2016-0041 - 4813 Gonzales Street **P.C. DATE:** February 27, 2018  
March 13, 2018  
**ADDRESS:** 4813 Gonzales Street  
**DISTRICT:** 3 **AREA:** 4.086 acres  
**OWNER:** Laura Hensley  
**AGENT:** McLean & Howard, LLP (Jeff Howard)  
**FROM:** CS-CO-NP **TO:** CS-MU-V-CO-NP

**NEIGHBORHOOD PLAN AREA:** Govalle/Johnson Terrace

**TIA:** Not Applicable

**WATERSHED:** Boggy Creek

**SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No

**DESIRED DEVELOPMENT ZONE:** Yes

**SUMMARY STAFF RECOMMENDATION:**

Staff supports the Applicant's request of general commercial service-mixed use-vertical mixed use-conditional overlay-neighborhood plan (CS-MU-V-CO-NP). The conditions that will be carried forward from the existing CS-CO-NP zoning include the following:

1. The following land uses shall be prohibited: Adult oriented businesses, Campground, Kennels, Pawn shop services, Residential treatment, and Vehicle storage.
2. The following land uses shall be conditional: Agricultural sales and services, Construction sales and services, Limited warehousing and distribution, Building maintenance services, Laundry services, Equipment sales, and Equipment repair services.

**ISSUES:**

The Applicant is proposing 285 multifamily units and mixed commercial uses on the subject property. The property is located on a Future Core Transit Corridor, East 7<sup>th</sup> Street, which allows Vertical Mixed Use (V-).

The existing conditional overlay on the property prohibits access to East 7<sup>th</sup> Street. Staff recommends removing this condition. The property is located near the intersection of East 7<sup>th</sup> and Springdale, and there are several businesses in the area that use and store hazardous materials.

Since this is a proposed residential site, City of Austin Fire Department (AFD) has conducted a preliminary review of site conditions and a technical report provided by the Applicant. Based on the distances between the subject tract and the surrounding uses, AFD does not oppose the proposed rezoning to allow residential uses. Additionally, AFD does not require any additional setbacks other than those specified in the International Fire Code (IFC). AFD will review the property for IFC compliance at time of site plan. *Please refer to Exhibit A – AFD Memorandum*).

**PLANNING COMMISSION RECOMMENDATION:**

March 13, 2018:

February 27, 2018: *TO GRANT POSTPONEMENT REQUEST BY STAFF TO MAY 13, 2018, ON CONSENT. (12-0) [J. Schissler- 1<sup>st</sup>, J. Shieh- 2<sup>nd</sup>; J. Thompson- Absent]*



**DEPARTMENT COMMENTS:** The subject property is located on the north side of East 7<sup>th</sup> Street, slightly west of Shady Lane. The property also has frontage on Gonzales Street, to the north. The property is zoned CS-CO-NP and is currently developed with Automotive repair and General warehousing and distribution uses. Immediately to the west of the subject property, along East 7<sup>th</sup> Street, is property that is also zoned CS-CO-NP that is developed with Automotive repair land use. Also to the west are properties zoned SF-3-NP that are developed with single family residences; these properties will trigger compatibility standards. These residences take access to Gonzales Street and Mansell Avenue. Across Gonzales Street, to the north, is Allen Elementary School, which is zoned P-NP. East of the subject property is property zoned CS-CO-NP and LI-CO-NP which is occupied by Administrative/business office, Automotive sales, and Art gallery and workshop uses. Across East 7<sup>th</sup> Street, to the south, are two properties zoned LI-CO-NP. One site is occupied by a diesel fuel provider and one is occupied by a store that specializes in automotive, janitorial and other supplies, including lubricants, solvents, and other hazardous chemicals. These properties were examined as part of AFD's review. As stated in the Issues section of this report, AFD does not oppose the proposed rezoning to allow residential uses. Additionally, AFD does not require any additional setbacks other than those specified in the International Fire Code (IFC). AFD will review the property for IFC compliance at time of site plan. *(Please refer to Exhibits B and C – Zoning Map and Aerial Exhibit).*

**Zoning Background.** The subject property currently has a conditional overlay (CO) that was added by the zoning case that was approved in conjunction with the Govalle Neighborhood Plan (City File # C14-02-0183.001). The CO prohibits vehicular access to Gonzales Street. If the requested zoning is granted for this site, staff recommends removal of this restriction. Vehicular access and analysis of access points and traffic shall be provided at time of site plan. The conditions that will be carried forward from the existing CS-CO-NP zoning include the prohibited and conditional land uses identified in the Summary Staff Recommendation on Page 1 of this report.

During the Vertical Mixed Use Overlay (VMU) Opt-in/Opt-out process conducted by the Neighborhood Planning and Zoning Department in 2007-2008, an application to designate certain properties as appropriate to add the V-combining district or exclude other properties from the VMU overlay was filed by the Govalle/Johnston Terrace Combined Planning Contact Team. At that time, the subject property was in an area that was not granted the V-designation. *(Please refer to Exhibits D and E – Zoning Ordinances).*

**Vertical Mixed Use.** The proposed rezoning includes two additions to the current CS-CO-NP zoning: Mixed use (M-) and Vertical mixed use (V-). The addition of V- provides an additional development option to a property, but allows it to retain the ability to redevelop under the existing CS base district. A V- does not grant: 1) additional height to the base zoning district which is 60 feet in the CS district or 2) additional impervious cover. The addition of V- also does not waive applicable compatibility standards, and although the Applicant requests to remove the 40 foot height limit, compatibility standards still apply along the west side of the property. In that regard, height is limited to 40 feet within 100 feet of residentially zoned or occupied properties in the area, noting that this limitation includes adjacent right-of-ways.

A building built under vertical mixed use building (V-) standards is required to contain a mix of residential and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on the upper levels. On the subject property, there is also the opportunity to waive: 1) the front and interior side setbacks (except where compatibility applies), 2) the 2:1 floor-to-area ratio established by CS zoning, and 3) the minimum site area requirement which is the number of dwelling units on a site by requiring a certain amount of square footage for a specific type of multi-family unit (efficiency, one bedroom, two bedroom). A V- building is also eligible for 60 percent of the minimum requirement for off-street parking. Finally, a V- building has an established affordability level for rental units which is 10 percent of the residential units set aside for households earning no more than 80 percent of the current MFI (\$62,250), for a period of 40 years.

Austin Independent School District (AISD) has prepared an Educational Impact Statement (EIS) for the proposed rezoning. AISD has determined that the affected schools have capacity to accept the number of students projected for the development. *(Please refer to Exhibit F – EIS Memorandum).*



**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-CO-NP	Automotive repair, General warehousing and distribution
<i>North</i>	P-NP	Allen Elementary School
<i>South</i>	LI-CO-NP	Limited warehousing and distribution
<i>East</i>	CS-CO-NP, LI-CO-NP	Administrative/business office, Automotive sales, Art gallery and workshop
<i>West</i>	CS-CO-NP, SF-3-NP	Single family residential

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2007-0259 GV/JT VMU Overlay	To create VMU boundaries along E. 7 <sup>th</sup> (City & Neighborhood initiated)	05/27/2008: To grant VMU overlay; Per Opt-In/Opt-Out, 4813 is part of Tract 8 and is not granted VMU (7-1)	11/20/2008: approved as recommended by PC; Ord No. 20081120-076
C14-2015-0043 Shady Lane Mixed Use 500 Shady Lane	FROM: LI-CO-NP TO: CS-MU-V-NP	August 25, 2015: To grant CS-MU-V- CO-NP w conditions: 1. Max 2,000 vpd; 2. All residential land uses shall be conditional; 3. The following uses shall be prohibited: adult oriented businesses, hotel-motel, campground, kennels, laundry services, pawn shop services, residential treatment, vehicle storage, ag. sales & services, auto rentals, auto repair services, auto sales, auto washing (of any type), building maintenance services, construction sales & services, commercial off-street parking, equipment sales, limited warehousing & distribution, residential treatment, vehicle storage, laundry services, and equipment repair services. (8-3) [J. Shieh- 1st, J. Thompson- 2nd; T. Nuckols, T. White, N. Zaragosa- Nay; J. Stevens- Absent.	Case expired after several postponements
C14-2012-0096 500 Shady Lane	FROM: LI-CO-NP to LI-CO NP to remove Liquor sales, General whse & distribution from prohibited uses.	N/A Withdrawn	N/A Withdrawn

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro (within ¼ mile)</b>
E 7 <sup>th</sup> Street	118 ft.	48 ft.	Major Arterial	Yes	Yes, urban trail	Yes
Gonzales Street	50 ft.	32 ft.	Collector	Yes, adjacent to school	Yes, wide curb lane	Yes



**SCHOOLS:**

Govalle Elementary School      Martin Middle School      Eastside Memorial High School

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council	East Austin Conservancy
Friends of Austin Neighborhoods	Homeless Neighborhood Association
Black Improvement Association	Austin Innerscity Alliance
Neighbors United for Progress	Del Valle Community Coalition
El Concilio Mexican-American Neighborhoods	Bike Austin
Greater East Austin Neighborhood Association	Buena Vista Neighborhood Association
AISSD	Govalle/Johnston Terrace Neighborhood Plan Team
Preservation Austin	African American Cultural Heritage District
United East Austin Coalition	Tejano Town
Claim Your Destiny Foundation	Guadalupe Neighborhood Development Corporation
Sierra Club, Austin Regional Group	SELTexas

**CITY COUNCIL DATE & ACTION:** March 22, 2018:

**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:** 512-974-2122



**SUMMARY STAFF RECOMMENDATION:**

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2. The following land uses shall be conditional: Agricultural sales and services, Construction sales and services, Limited warehousing and distribution, Building maintenance services, Laundry services, Equipment sales, and Equipment repair services.

The property is located on a Future Core Transit Corridor, East 7<sup>th</sup> Street, which allows Vertical Mixed Use (V-). According to Imagine Austin, the proposed rezoning is also located in an Activity Corridor. The proposed redevelopment would allow the addition of approximately 285 apartment units, as well as active uses along East 7<sup>th</sup> Street. This is appropriate in an area identified by City Code and Imagine Austin as areas for dense and active development. AFD has confirmed that the property is located far enough from hazardous materials sites to support the request; AFD has also confirmed that the site plan will include review for fire and safety issues.

**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

**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. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

**Compatibility Standards**

SP 4. The site is subject to compatibility standards. Along the west 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, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- ☐ 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 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.

**Airport Overlay**



SP 5. FYI – This site is located within Govalle Neighborhood Plan, the Govalle/Johnston Terrace Combined Neighborhood Plan Area, and the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance.

### **Transportation:**

TR1. Per LDC 25-6-101 (Ordinance No. 20170302-077), this site is required to provide mitigation for traffic impact with the site development or subdivision application. Please contact Scott James

Scott.James@austintexas.gov) to discuss the required mitigation for this site. A traffic study may be required.

TR2. The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for E 7<sup>th</sup> Street. At the time of the subdivision and/or site plan application, whichever comes first, 57 feet of right-of-way from the existing centerline should be dedicated for E 7th Street according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55].

TR3. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR4. A Traffic Impact Analysis and/or Neighborhood Traffic Analysis shall be required at the time of site plan if triggered per LDC 25-6-113 and LDC 25-6-114. LDC, Sec. 25-6-113, 25-6-114.

TR5. Janae Spence with Urban Trails, Public Works Department, and Mike Schofield and Nathan Wilkes with the Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR6. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for Gonzales Street, and a protected bike lane is recommended for E 7th Street.

TR7. E 7th Street lane width and edge of pavement is proposed to be moved and reconfigured to achieve superior bicycle facilities. Additional comments from the Bicycle program may be provided for construction requirements (pavement width, sidewalk and building location, etc.) associated with the site plan application.

TR8. Per zoning ordinance no. 030327-11a (zoning case # C14-02-0183) Part 6. 2: Vehicular access from Tract 106b to Gonzales Street is prohibited. All vehicular access to the properties shall be from East 71 Street or Shady Lane. If the requested zoning is granted for this site, staff recommends removal of this restriction.

TR9. FYI – at the time of the site plan application, existing non-complying driveways, sidewalks, transportation facilities, etc. shall be removed reconstructed in accordance with current City of Austin code and criteria.

TR10. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E 7 <sup>th</sup> Street	118 ft.	48 ft.	Major Arterial	Yes	Yes, urban trail	Yes
Gonzales Street	50 ft.	32 ft.	Collector	Yes, adjacent to school	Yes, wide curb lane	Yes

### **Environmental:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek 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 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/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.