

SECOND AND THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2017-0150 – Leija Villa

DISTRICT: 3

REQUEST: Approve second and third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 3305 and 3309 Hidalgo Street (Boggy Creek Watershed). To rezone from) from family residence-neighborhood plan (SF-3-NP) combining district zoning and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning.

DEPARTMENT COMMENTS: No conditions were added by City Council.

OWNER: Lunaire Group LP (Graciela Leija)

AGENT: Michael Moran

DATE OF FIRST READING: First reading approved on March 22, 2018. Vote 8-0.

CITY COUNCIL HEARING DATES:

April 26, 2018:

March 22, 2018: *TO CLOSE THE PUBLIC HEARING AND GRANT LO-MU-CO-NP ON FIRST READING ONLY. (8-1) [S. Renteria- 1st, G. Casar- 2nd; J. Flannigan- Nay; E. Troxclair- Off the dais; L. Pool- Absent]*

CITY COUNCIL ACTION: 1st reading- 03/22/2018

ORDINANCE NUMBER:

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

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0150 – Leija Villa

P.C. DATE: February 13, 2018

ADDRESS: 3305 and 3309 Hidalgo Street

TOTAL AREA: 0.62 Acres (26,789 s.f.)

DISTRICT: 3

OWNER: Lunaire Group, LP (Graciela Leija, MD)

AGENT: Michael Moran

EXISTING ZONING: SF-3-NP and SF-3-CO-NP

PROPOSED ZONING: LO-MU-CO-NP (*As amended 2/13/2018*)

NEIGHBORHOOD PLAN AREA: Govalle-Johnston Terrace

TIA: N/A

WATERSHED: Boggy Creek

CAPITOL VIEW CORRIDOR: No

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request of LO-MU-CO-NP. The Applicant has agreed to the following conditions:

1. Building height shall not exceed 35 feet; and
2. Communications services and Software development land uses shall be prohibited.

ISSUES:

The proposed rezoning tracts are located immediately adjacent to undeveloped property under the same ownership. The Property owner intends to develop the properties as a single project with Medical office land use.

PLANNING COMMISSION RECOMMENDATION:

February 27, 2018: *TO GRANT LO-MU-CO-NP, AS REQUESTED BY APPLICANT. (12-0) [J. Schissler- 1st, T. White-2nd; J. Thompson- Absent]*

February 13, 2018: *TO GRANT A POSTPONEMENT REQUEST BY APPLICANT TO FEBRUARY 27, 2018, ON CONSENT. (10-0-3) [P. Seegar- 1st, D. Anderson-2nd; A. De Hoyos Hart, F. Kazi, and K. McGraw- Absent]*

DEPARTMENT COMMENTS:

The subject property is located on the south side of Hidalgo Street, east of Allen Street. The property is zoned SF-3-NP and is currently developed with a single family residence. Immediately to the south of the property is another tract under the same ownership, which is zoned GR-MU-CO-NP and is undeveloped. Immediately west of the rezoning property are lots that front Allen Street. These lots are a mix of SF-3-NP and MF-2-NP and are developed with a mix of single family and multifamily land uses. Immediately east of the subject property is a warehouse zoned W/LO-NP. Across Hidalgo Street to the north is property zoned MF-2-NP that is used for multifamily. *Please refer to Exhibits A and B (Zoning Map and Aerial View).*

As stated in the Issues section of this report, the Owner intends to develop the rezoning tract with the tract immediately to the south, which is zoned GR-MU-CO-NP. In 2010 this this property and a portion of the current rezoning area was rezoned from GR-NP and SF-3-NP to GR-MU-CO-NP and SF-3-CO-NP. The conditional overlay (CO) associated with the 2010 rezoning was a limit of 2,000 vehicular trips per day. The SF-3-CO-NP portion of the previous request is now part of the proposed LO-MU-NP request; the GR-MU-CO-NP will remain.

Staff has received correspondence from interested groups and individuals regarding the rezoning request. Please refer to *Exhibit C (Correspondence)*.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP, SF-3-CO-NP	Single family residential, Undeveloped
<i>North</i>	MF-2-NP	Multifamily residential
<i>South</i>	GR-MU-CO-NP	Undeveloped
<i>East</i>	W/LO-NP	Limited warehousing and distribution
<i>West</i>	SF-3-NP, MF-2-NP	Single family residential, Multifamily residential

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2010-0014 3305 E. 5 th St.	GR-NP, SF-3-NP to GR-MU-NP, SF-3 - NP	3/23/2010: Approved as recommended by Staff, with 2,000 vpd limit	4/29/2010: Approved 1 st reading as rec.; 5/23/2010: Approved 2 nd /3 rd reading as rec. ORD# 20101028-054

A Neighborhood Plan Amendment (NPA) is filed in conjunction with the proposed rezoning (NPA-2017-0016.06).

SCHOOLS: Brooke Elementary School Martin Middle School Eastside Memorial HS at Johnston

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Hidalgo	50	33	Local	Y	Y	Route 4, 135

NEIGHBORHOOD ORGANIZATIONS:

East Austin Conservancy
African American Cultural Heritage District
Friends of Austin Neighborhoods
Claim Your Destiny Foundation
El Concilio Mexican-American Neighborhoods
Austin Neighborhoods Council
Govalle/Johnston Terrace Neighborhood Plan Team
Greater East Austin Neighborhood Association
Buena Vista Neighborhood Association
Tejano Town
Guadalupe Neighborhood Development Corporation
Austin Innercity Alliance

Neighbors United for Progress
Black Improvement Association
Homeless Neighborhood Association
Bike Austin
Neighbors United for Progress
SELTexas
Tejana Bilingual Community
United Austin for the Elderly
United East Austin Coalition
Preservation Austin
Sierra Club, Austin Regional Group
Del Valle Community Coalition

CITY COUNCIL DATE & ACTION:

April 26, 2018:

March 22, 2018: *TO CLOSE THE PUBLIC HEARING AND GRANT LO-MU-CO-NP ON FIRST READING ONLY. (8-1) [S. Renteria- 1st, G. Casar- 2nd; J. Flannigan- Nay; E. Troxclair- Off the dais; L. Pool- Absent]*

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-2122

SUMMARY STAFF RECOMMENDATION:

Staff supports the rezoning request to Limited office-Mixed use-Conditional Overlay-Neighborhood Plan (LO—MU-CO-NP). The Applicant has agreed to the following conditions:

1. Building height shall not exceed 35 feet; and
2. Communications services and Software development land uses shall be prohibited.

LO-MU-CO-NP is a less permissive and less intense zoning classification than the existing W/LO-NP to the east and GR-MU-CO-NP to the south. It will provide a suitable transition between these properties and the SF-3-NP and MF-2-NP properties to the west. By rezoning these tracts to an Office classification, there would no longer be Single family residential zoning immediately adjacent to the limited warehousing and distribution use to the east. The rezoning tract would be subject to Compatibility Standards along the western property line. LO-MU-CO-NP zoning is congruent with the mixed zoning in the vicinity, which ranges from SF-3-NP to LI-CO-NP.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
The proposed rezoning is consistent with the purpose statement of Limited office (LO) zoning, which is defined in City Code as:
“Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.”
2. *Zoning changes should promote an orderly relationship among land uses.*
Currently, the subject property is zoned SF3-NP and SF-3-CO-NP, and is immediately adjacent to a W/LO-NP property. The proposed rezoning would establish a buffer between the W/LO-NP property and residential properties to the west.
3. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*
LO-MU-CO-NP would provide a transition between the limited warehousing and distribution property to the east and the Single-family and Multifamily residential uses to the west.

Site Plan:

SP 1. The site is subject to compatibility standards. 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.

SP 2. FYI – This site is located within 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. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing. Additional comments may be generated during the site plan review process.

Transportation:

TR1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

TR2. Additional right of way maybe required at the time of subdivision and/or site plan.

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Hidalgo	50	33	Local	Y	Y	Route 4, 135

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 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.
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. Numerous 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.

Drainage

The developer is required to submit a pre and post development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

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.


$$1'' = 150'$$

MANAGER: HEATHER CHAFFIN



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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$$1'' = 150'$$

-  SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CREEK BUFFER

Chaffin, Heather

Subject: FW: zoning case c14-2017-0150

EXHIBIT
C

From: Peter Gray
Sent: Friday, February 02, 2018 12:03 PM
To: Chaffin, Heather; Meredith, Maureen
Subject: RE: zoning case c14-2017-0150

Thank you, I agree with you that the new drainage facility will be an improvement. Thank you for your response

Peter Gray
Director of Quality
ITI International, LLC
5100 Westheimer, Ste 540
Houston, TX 77056
Tel. 713 771 0688
Mob. 713 822 0112

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From: Chaffin, Heather [<mailto:Heather.Chaffin@austintexas.gov>]
Sent: Friday, February 2, 2018 12:01 PM
To: Peter Gray <>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: RE: zoning case c14-2017-0150

Peter,
Sorry for the delayed response. As I believe Maureen Meredith relayed to you, any redevelopment of the site would require construction of drainage improvements on-site which would have a full drainage engineering review at time of Site Plan. City Code requires that any redevelopment not increase any off-site drainage; the drainage improvements often helps alleviate existing drainage problems.
I suggest you contact Jennifer Back in our Development Assistance Center—she handles these kind of overall drainage questions. You can reach her at 512-974-6361 or the email address above.
I hope this information is useful,
Heather

From: Peter Gray
Sent: Tuesday, January 23, 2018 8:25 AM
To: Meredith, Maureen
Cc: Chaffin, Heather
Subject: zoning case c14-2017-0150

Hello, after attending the neighborhood meeting for this case last night. My principal concern is the drainage for the site. The entire proposed development plan sheds water to hidalgo street which already has problems draining the water from the surrounding area without any input from the proposed site. I have attached pictures of a flood from 2 years ago that was all Hidalgo street water that backed up into my properties. These drains are already overburdened

by the Yeti cooler complex and surrounding streets. It seems the water should go toward the river and not north. The drainage plan seems to be flawed. My properties face Hidalgo and are 621 and 627 Allen st.

I followed up with a person (Leslie) from the city that I was referred to and it was a dead end.

Please provide details regarding the current capacity of the drains to the north of the site and proposed infrastructure.

Thank you

Peter Gray
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Chaffin, Heather

Subject: FW: Hidalgo St. Property Rezoning

From: Michael Moran
Sent: Monday, February 19, 2018 2:47 PM
To: Sarah Weinstein
Cc: Chaffin, Heather; CASEY DUNN; Meredith, Maureen
Subject: Re: Hidalgo St. Property Rezoning

Sarah and Casey,
Dr. Leija told me that she'd be glad to meet with you and Casey before the Planning Committee meeting. I will talk to her and try to schedule a time that she might be available. I will get back to you shortly.
Regards,
Michael

On Feb 19, 2018 1:09 PM, "Sarah Weinstein" wrote:
Hi Michael and Heather,

What are next steps here? I imagine we'd all like to come to some sort of shared understanding or resolution before the next meeting.

On Tue, Feb 13, 2018 at 4:42 PM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:
The meeting begins at 6:00 PM at City Hall.

From: CASEY DUNN
Sent: Tuesday, February 13, 2018 4:41 PM
To: Chaffin, Heather
Cc: Michael Moran; Sarah Weinstein; Meredith, Maureen
Subject: Re: Hidalgo St. Property Rezoning
Hi Heather,

Thanks for yours and everyone's understanding here. I'm sorry for the inconvenience and hope we can find some way to meet in the middle before the next meeting. Unfortunately, I have a contract photography job on that day that is commissioned by 4 parties and can't be moved. I should finish by 7pm. Do you know what time the meeting will be on the 27th?

Best,

Casey

On Feb 13, 2018, at 4:24 PM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:
Casey,

No, you have not missed a chance to speak; it's just that the Commission will not hear any presentations tonight so they can focus on Code Next. Based on your conversations with Michael Moran, he is requesting a postponement to February 27th. That way there will be time for discussion between you and the Applicant and with City Staff before the case is presented to Planning Commission. Hopefully Maureen Meredith and I can also help explain some of the details before the February 2th meeting; otherwise, you can plan to come and discuss the case at that time.

Please contact me or Maureen Meredith with any questions on the process or rezoning.

Heather Chaffin

From: CASEY DUNN [
Sent: Tuesday, February 13, 2018 4:18 PM

To: Chaffin, Heather

Cc: Michael Moran Sarah Weinstein; Meredith, Maureen

Subject: Re: Hidalgo St. Property Rezoning

Hi Heather,

Thanks for your response. You will have to forgive me, I am not familiar with some of the zoning vocabulary. Does being on the "consent only" agenda mean that we missed our chance to speak all together?

We have a couple of outstanding concerns—

We have been discussing the proposed uses this afternoon with Michael and we are still waiting on an email back from the city drainage manager. Here is a an attached picture of what our street looks like after a lot of rain. Our concern is that the plan directs a lot of water towards this north side, which we fear will compound an already over worked system. What is the best way to get a better understanding of what the city is proposing here to mitigate the existing problem along with the influx of more water? I know that is not your responsibility but I am at a loss for how to get this information today and I am afraid that it will never be addressed if not now. Any help would be appreciated.

We have tried to come to an agreement today but I unfortunately I think we have come to an impasse. We would be willing to agree to it with consent if it went forward as LO zoning with SF3 development and usage overlay. I know that this in probably not conventional, but we don't feel that commercial on Hidalgo is good for our street. We realize that they are trying to push through a unified development agreement, but we have to operate under the assumption that the north lots will max out their zoning as well. Please let me me know our options here.

Best,

Casey

On Feb 13, 2018, at 10:15 AM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:

All-

As a reminder, tonight's Planning Commission meeting is scheduled to be a "Consent Only" agenda. The Commission will only act on items that are offered for consent approval or postponement—there will be no presentations or public hearings (Commission is spending the remainder of the meeting discussing Code Next). If you can all reach an agreement about the 35 foot building height limit and prohibiting Communication services and Software development land uses, we can continue on tonight's agenda. Otherwise, it must be postponed to a later date.

Thanks,

Heather Chaffin

Zoning Case Manager

From: Michael Moran

Sent: Tuesday, February 13, 2018 10:07 AM

To: Sarah Weinstein

Cc: Meredith, Maureen; CASEY DUNN; Chaffin, Heather

Subject: Re: Hidalgo St. Property Rezoning

Sarah and Casey,

It is my understanding that, as part of our Unified Development Agreement between the two lots on Hidalgo, and the adjoining lot on 3306 E 5th st, that we cannot have a zoning designation that restricts medical office, since that is what we are intending to build. We would be willing to restrict those lots to not have "communications services" or "software development" on future development of those lots on Hidalgo.

Regards,

Michael Moran

agent for Graciela Leija

512-422-8896

On Mon, Feb 12, 2018 at 9:43 PM, Sarah Weinstein wrote:
Hi Michael and Maureen,

We attended the community meeting regarding the property on Hidalgo street last month and spoke to you all about the planned changes and a few of our concerns.

We received the notice last week about tomorrow's Commission meeting and wanted to reach out to see if a couple of our concerns could be addressed. We will also be attending in person to raise these concerns as well.

1) Drainage - We understand that there will be additional pipes put in going TO the street, however, the storm drain at that location has flooded several times in the past and we'd like assurance that proposed drainage plan is not adding more volume to the same drain and that this work involves enlarging that main drain as well.

2) The Max Height Allowance - Going from a residential SF-3 to a LO-MU means going from 35ft to 40ft or three stories. We'd like to request a conditional overlay to maintain the 35ft max here. I understand that the current build plan does not include building on the North end of the lot, however, we have to think ahead to what this change in zoning will allow. Based on your original email and your presentation at the neighborhood meeting, our understanding is that the zoning change is mainly to allow for the retention pond and emergency exit route work for the south lot. Our concern is that a future development on the north lot could take advantage of some of the allowances of a commercial designation beyond the aforementioned retainage and egress. Given the proposed plan, I can't think of a reason that a 40ft height allowance would be necessary-- so are hoping this is amendable to keeping residential standards in place here.

3) Permitted Uses - In the meeting it was implied that the only commercial uses allowed with an LO-MU were Admin/Office, Art Gallery, Art Workshop which feels in-line with the neighborhood on this end of Allen st. but we flipped the page in the packet and saw that there are several other types of commercial spaces allowed including Software Development and Medical Office. This concerns us because it could imply future expansion of or alterations to the proposed development plan.

We are not anti-development but our residential neighborhood is an island within and industrial area and we feel that without careful planning here, commercial development will slowly chip away at this friendly pocket of neighborhood streets.

If you cannot address these ahead of tomorrow's meeting - we can discuss in-person there.

Thank you and we appreciate your consideration of the neighborhood's input.

Sarah and Casey Dunn
611 & 613 Allen St.

