

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0106 - Tillery MF **P.C. DATE:** November 28, 2017, December 12, 2017, January 23, 2018, February 27, 2018, March 27, 2018, April 10, 2018, May 22, 2018

ADDRESS: 507 Tillery Street **TOTAL AREA:** 13,200 s.f. (0.30 acres)

DISTRICT: 3

OWNER: 507 Tillery House LLC (Caren W. Wendt & Kathryn L. Ingerly)

AGENT: Rize Planning, Development & Construction (Ross Frie)

ZONING FROM: SF-3-NP **TO:** MF-2-NP

NEIGHBORHOOD PLAN AREA: Govalle-Johnston Terrace

TIA: N/A **CAPITOL VIEW CORRIDOR:** No

WATERSHED: Colorado River & Boggy Creek **DESIRED DEVELOPMENT ZONE:** Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request for Multifamily residence low density-neighborhood plan (MF-2-NP) combining district zoning, with conditions (MF-2-CO). Staff recommends that multifamily land use be prohibited, making the recommendation MF-2-CO-NP. Staff also recommends that the conditions outlined in the attached NTA be met by the Applicant.

ISSUES:

The Applicant proposes developing five to six townhouse/condominium units on the subject property. No multifamily use is proposed. MF-2 zoning has been requested because the site development standards of MF-2 make it feasible to develop the townhouse/condominium units as proposed.

PLANNING COMMISSION RECOMMENDATION:

May 22, 2018:

April 10, 2018: *TO GRANT POSTPONEMENT AS REQUESTED BY COMMISSION TO MAY 22, 2018, ON CONSENT. (11-0) [J. Schissler- 1st, P. Seeger- 2nd; T. White, T. Nuckols- Absent]*

March 27, 2018: *TO GRANT POSTPONEMENT AS REQUESTED BY COMMISSION TO APRIL 10, 2018, ON CONSENT. (12-0) [G. Anderson- 1st, J. Thompson- 2nd; P. Seeger- Absent]*

February 27, 2018: *TO GRANT POSTPONEMENT AS REQUESTED BY APPLICANT TO MARCH 27, 2018, ON CONSENT. (12-0) [J. Schissler- 1st, J. Shieh- 2nd; J. Thompson- Absent]*

January 23, 2018: *TO GRANT POSTPONEMENT AS REQUESTED BY APPLICANT TO FEBRUARY 27, 2018, ON CONSENT. (11-0) [P. Seeger- 1ST, D. Anderson- 2nd; J. Schissler- Off Dais, K. McGraw- Absent]*

December 12, 2017: *TO GRANT POSTPONEMENT AS REQUESTED BY APPLICANT TO JANUARY 23, 2018, ON CONSENT. (12-0) [J. Shieh- 1st; P. Seeger- 2nd]*

November 28, 2017: *TO GRANT POSTPONEMENT AS REQUESTED BY STAFF TO DECEMBER 12, 2017, ON CONSENT. (12-0) [P. Seeger- 1st; N. Zaragosa- 2nd]*

DEPARTMENT COMMENTS:

The subject property is located one lot north of the northeast corner of the intersection of East 5th Street and Tillery Street. The lot is currently zoned SF-3-NP and developed with a single family residence. To the south, between the subject property and East 5th Street are a townhouse/condominium development and mini-storage land uses, zoned MF-3-NP and W/LO-NP, respectively. The mini-storage (W/LO-NP) property is also immediately east of the subject property. Further east of the subject property are a mix of properties developed with automotive repair (GR-MU-NP), single family residences (SF-3-NP), and multifamily uses (MF-2-NP). Immediately north of the subject property are several lots zoned SF-3-NP that are developed with single family residences. Across Tillery Street, to the west, are several single family residential lots, zoned GR-MU-NP and SF-3-NP. Also across Tillery Street is the site known as 618 Tillery / The Rail Spur building, which is currently in the rezoning and NPA process (C14-2017-0020 and NPA-2016-0016.04). The site is developed with a single office/warehouse with a mix of commercial and office uses. The Rail Spur site is currently zoned LO-CO-NP and LO-MU-CO-NP; the rezoning request is for GR-CO-NP and GR-MU-CO-NP. *Please refer to Exhibits A and B (Zoning Map and Aerial View).*

Staff supports the rezoning request with the condition that multifamily land use be prohibited. MF-2-CO-NP would allow development of approximately six residences on a lot that is adjacent to single family, townhouse/condominium and commercial properties. The density on this lot would be a transition between the SF-3 to the west and north to the MF-3 and W/LO to the south and east. The wider area also has a mix of uses and zoning, with single family, multifamily, commercial, light industrial and public land uses (Brooke Elementary) nearby.

Staff has received correspondence in opposition to the proposed rezoning request. *Please refer to Exhibit C (Correspondence).*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single family residential
<i>North</i>	SF-3-NP	Single family residential
<i>South</i>	MF-3-NP, W/LO-NP	Multifamily residential, Convenience storage
<i>East</i>	W/LO-NP, GR-MU-NP, SF-3-NP, MF-2-NP	Convenience storage, Automotive repair, Single family residential, Multifamily residential
<i>West</i>	SF-3-NP, LO-MU-CO-NP, LO-CO-NP	Single family residential, Mixed commercial and light industrial uses

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0106 Rail Spur Building	LO-CO-NP, LO-MU-CO-NP TO GR-CO-NP, GR-MU-CO-NP	9/2017: TO GRANT INDEFINITE POSTPONEMENT, AS REQUESTED BY APPLICANT	11/2017: TO GRANT INDEFINITE POSTPONEMENT

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Tillery Street	66 ft.	45 ft.	Collector	Yes, one side	Yes, Bike Lane	No

SCHOOLS:

Brooke Elementary

Martin Middle School

Eastside Middle School

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition
Tillery Square Neighborhood Association

East Austin Conservancy
Black Improvement Association

Friends of Austin Neighborhoods
Claim Your Destiny Foundation
Austin Heritage Tree Foundation
El Concilio Mexican-American Neighborhoods
Austin Neighborhoods Council
Govalle/Johnston Terrace Neighborhood Plan Team
United East Austin Coalition
Guadalupe Neighborhood Development Corporation
SELTexas

Homeless Neighborhood Association
Barrio Unido Neighborhood Association
Cristo Rey Neighborhood Association
Tejano Town
Buena Vista Neighborhood Association
African American Cultural Heritage District
Preservation Austin
Sierra Club, Austin Regional Group

CITY COUNCIL DATE & ACTION:

April 26, 2018:

March 22, 2018: *TO GRANT POSTPONEMENT AS REQUESTED BY STAFF TO APRIL 26, 2018, ON CONSENT (8-0). [S. Renteria- 1st, D. Garza- 2nd; L. Pool, G. Casar, and E. Troxclair- Off the dais.]*

February 1, 2018: *TO GRANT POSTPONEMENT AS REQUESTED BY STAFF TO MARCH 22, 2018, ON CONSENT. (11-0) [O. Houston- 1st; S. Renteria- 2nd]*

December 14, 2017: *TO GRANT POSTPONEMENT AS REQUESTED BY STAFF TO FEBRUARY 1, 2018, ON CONSENT. (11-0) [D. Garza- 1st; E. Troxclair- 2nd]*

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 Applicant's request for Multifamily residence low density-neighborhood plan (MF-2-NP) combining district zoning, with conditions (MF-2-CO-NP). Staff recommends that multifamily land use be prohibited.

The Applicant proposes developing five to six townhouse/condominium units on the subject property. No multifamily use is proposed. MF-2 zoning has been requested because the site development standards of MF-2 make it feasible to develop the townhouse/condominium units as proposed. MF-2-NP would allow development of approximately five to six residences on a lot that is adjacent to single family, townhouse/condominium and commercial properties. The density of MF-2 on this lot would be a transition between the SF-3 to the west and north to the MF-3 and W/LO to the south and east. By prohibiting multifamily land use, the site would reflect the mix of residential uses in the vicinity. The wider area also has a mix of uses and zoning, with single family, multifamily, commercial, light industrial and public land uses (Brooke Elementary) nearby.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
Multifamily residence low density (MF-2) district is the designation for a multifamily use with a maximum density of up to 23 units per acre, depending on unit size. An MF-2 district designation may be applied to a use in a multifamily residential area located near single family neighborhoods or in an area for which low density multifamily use is desired.
2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*
The subject property is adjacent to single family, multifamily and commercial properties. The wider area also has a mix of uses and zoning, with single family, multifamily, commercial, light industrial and public land uses (Brooke Elementary) nearby. The proposed zoning is suitable for this area of mixed zoning and land uses.
3. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*
The density of MF-2 on this lot would be a transition between the SF-3 to the west and north to the MF-3 and W/LO to the south and east.

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.
- SP 4. Compatibility Standards- The site is subject to compatibility standards.
- SP 5. Additional design regulations will be enforced at the time a site plan is submitted
- SP 6. FYI – This site is located within the Govalle/Johnston Terrace Combined NPA. 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. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a buffered bike lane is recommended for Tillery Street.
- TR4. TR5. Janae Ryan, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR5. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Tillery Street	66 ft.	45 ft.	Collector	Yes, one side	Yes, Bike Lane	No

Environmental:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Colorado River and Boggy Creek Watersheds of the Colorado River Basin, which are 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.

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.



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.



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1" = 300'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY



CREEK BUFFER

TILLERY MF

ZONING CASE#: C14-2017-0106

LOCATION: 507 TILLERY ST.

SUBJECT AREA: .03 ACRES

GRID: L21

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.

EXHIBIT C**Chaffin, Heather****Subject:** FW: Correction: G/JT NPCT Rec Ltr: NPA-2017-0016.05_507 Tillery St.**Importance:** High**From:** Daniel Llanes**Sent:** Tuesday, November 14, 2017 3:17 PM**To:** Meredith, Maureen**Cc:** Sylvia Herrera; Angelica Noyola; Susana Almanza; Johnny Limon; Valorie Joiner; Marie Rocha; Tina Carrillo;

; Raul Alvarez; [REDACTED] Nine

Francios;

Candi Fox; Ross Frie; Chaffin, Heather; Thompson, Jeffrey - BC; Oliver, Stephen - BC; McGraw, Karen - BC; Nuckols, Tom - BC; Seeger, Patricia - BC; Zaragoza, Nuria - BC

Subject: Re: Correction: G/JT NPCT Rec Ltr: NPA-2017-0016.05_507 Tillery St.**Importance:** High

Maureen,

As I mentioned to you on the phone, we met with the applicant once, he presented, we gave our input, and they were to return with an adjusted proposal, but they did not return and have not asked for a reschedule.

If they do not reschedule with us prior to going to planning commission, then please accept this email as notice that

G/JTNP Contact Team will have will have to **oppose the project application** in its present form.

Once again, we suggest completion of negotiations with the Contact Team prior to putting this case on the Planning Commission and City Council schedules.

thank you,

Daniel Llanes, Chair

G/JTNP Contact Team

512-431-9665

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Chaffin, Heather

Subject: FW: City Arborist

From: Mark Williams

Sent: Monday, January 22, 2018 11:17 AM

To: Chaffin, Heather

Subject: Re: City Arborist

Hi Heather,

In preparation for your meeting tomorrow--and I'm sorry to be so late!--regarding 507 Tillery St., I'd like to register the following concerns.

My wife and I live at 505 Tillery St., and our home and patio overlook 507 Tillery. While we recognize that development of some kind is inevitable on the site, our main concerns regard two issues:

1. Protection of existing trees.

There are currently seven to eight substantial, mature trees in the bounds of 507 Tillery.

- There is one large, mature tree in the front yard (west side of property),
- two to three large, mature trees along the south boundary of the property, which may in fact reside in the property lines of our condominium association, 505 Tillery, but will have critical root zones and canopies impacted by any building at 507,
- one large, mature tree located centrally on the east side of the property,
- several smaller trees along that south boundary and more throughout the property.

Destruction of any of these trees--but particularly of the three largest, most mature trees along the western and southern boundaries of the property--would entirely devastate the canopy over this part of the block, as well as altering the skyline of the neighborhood. Those four trees constitute, by far, the most significant shade trees within the acre or so area constituted by our property, the 507 property, and the adjacent houses and buildings. These must be protected in any supportable plan for developing the property.

2. Greenspace.

Given the size of the development previously under consideration, we are concerned that the gardens and small farming operations currently in place at 507 Tillery will be replaced by concrete and other materials inadequate to protecting the city of Austin from the effects of climate change--we understand that grass, trees, and similar areas are effectively the only tool we have at our disposal for reducing heat within the city boundaries, improving breathability, and allowing for adequate drainage. Our own property, for instance, has more than fifty feet of grass and landscaping on the north and south sides of our building. We understand that building will occur, but we ask that significant areas of the property be left to landscaping and greenspaces so as to minimize the impact this new project has on our community.

Given that similar zoning requests are likely to come through for the next lot, and then the next, throughout East Austin and specifically throughout our Govalle neighborhood, it is important that reasonable, positive precedents be set here. Please protect our neighborhood and larger community.

Thank you,
Mark and Tiffany Williams
505 Tillery St. #6
Austin, TX 78702
304-989-0007

On Fri, Dec 15, 2017 at 9:34 AM, Mark Williams wrote:

Thanks, Heather! I'll talk to them and shoot you an email with my comments on things once I've gathered all the information I can.

Best,
Mark

On Thu, Dec 14, 2017 at 9:42 AM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:

Mark,

Here is the City Arborist website; you can find some answers here. You can also e-mail Staff at cityarborist@austintexas.gov or [512-978-4000](tel:512-978-4000). <http://austintexas.gov/cityarborist>

Heather

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: C14-2017-0106

Contact: Heather Chaffin, 512-974-2122

**Public Hearing: November 28, 2017, Planning Commission
December 14, 2017, City Council**

Maio Rocha

Your Name (please print)

Bob Allen et al.

Your address(es) affected by this application

Waco, Texas

Signature

Date

Daytime Telephone: *512-389-2449*

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



MEMORANDUM

TO: Stephen Oliver, Chair
Planning Commission Members

FROM: Heather Chaffin, Zoning Case Manager
Maureen Meredith, Neighborhood Planning Case Manager
Planning and Zoning Department

DATE: February 27, 2018

RE: Tillery MF Rezoning and Neighborhood Plan Amendment
C14-2017-0106 and NPA-2017-0016.05
District 3
Request for Postponement by Applicant

The Applicant requests a postponement of the above-referenced zoning case and Neighborhood Plan Amendment (NPA) from the February 27, 2018 hearing to the March 27, 2018 Planning Commission hearing date. The Applicant and Neighborhood representatives are working to address any outstanding concerns.

Chaffin, Heather

Subject: FW: G/JT NPCT Rec ltr?: NPA-2017-0016.05_507 Tillery St

From: Ross Frie

Sent: Friday, February 16, 2018 1:48 PM

To: Kathryn Ingerly; Daniel Llanes; Meredith, Maureen; Chaffin, Heather; Jeff Mills

Subject: Re: G/JT NPCT Rec ltr?: NPA-2017-0016.05_507 Tillery St

Maureen/Heather

We are officially requesting postponement of 507 Tillery NPA and rezoning cases from the Feb 27th PC for at least 4 weeks until the Mar 27th PC. Reason explained in emails below as still working towards support and approval from NCT

----- Original message -----

From: Kathryn Ingerly

Date: 2/16/18 1:22 PM (GMT-06:00)

To: Daniel Llanes

Cc: Ross Frie

Subject: Re: G/JT NPCT Rec ltr?: NPA-2017-0016.05_507 Tillery St

Hello, Daniel.

Ross and I were literally just coordinating and I was expressing to him our desire to postpone since we have not had the opportunity to get back in front of the NCT. Thank you for the follow-up, and I'll plan to reach out to you to find out the next meeting time for the NCT and we'll plan some time with your review team prior to that. Thanks so much, again, for your availability to us. We share so many of the same values for the neighborhood, we really appreciate the opportunity to vision and work with you.

Best,

Kathryn

On Fri, Feb 16, 2018 at 1:07 PM, Daniel Llanes wrote:

Hi Katherine and Ross,

Haven't heard from you all. Are you all coming back to the contact team prior to going forward to Planning Commission on the 27th? Are you all postponing? If not, we will have to oppose your application. Please let me know today as I will respond to staff one way or the other at the end of today.

thanks,

Daniel

512-431-9665

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PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before 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 amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a 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 plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website:

www.austintexas.gov/departments/neighborhood-planning.

PUBLIC HEARING COMMENT FORM

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

City of Austin
Planning and Zoning Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2017-0016.05
Contact: Maureen Meredith, Phone: 512-974-2695
Public Hearings: November 28, 2017, Planning Commission
December 14, 2017, City Council

☐ I am in favor
☒ I object

Your Name (please print)

Teresa Saldana, owner

606 Alton Unit A

611 Tillery + 3413 Gonzales St

Your address(es) affected by this application

Teresa Saldana

Signature

Date

11/24/17

Comments:

Will vote to keep SF-3