

**PLANNING COMMISISON  
SITE PLAN WAIVER REQUEST REVIEW SHEET**

**CASE NUMBER:** SP-2019-0168C      **PLANNING COMMISISON**  
**HEARING DATE:** November 12<sup>th</sup>, 2019

**PROJECT NAME:** 3232 E Cesar Chavez

**ADDRESS:** 3232 E Cesar Chavez

**APPLICANT:** Cesar Nursery Owner, LLC

**AGENT:** Civiltude LLC; James Schissler, PE – (512) 476-4456  
 5110 Lancaster Court  
 Austin, Texas 78723

**CASE MANAGER:** Robert Anderson      Phone: (512) 974-3026  
[robert.anderson@austintexas.gov](mailto:robert.anderson@austintexas.gov)

**PROPOSED DEVELOPMENT:**  
 The applicant is proposing to construct two office buildings and a parking garage.

**DESCRIPTION OF WAIVERS:**  
 The applicant is requesting a Compatibility Waiver from § 25-2-1063(C) which requires structures more than 100 feet but not more than 300 feet from the property triggering compatibility be no taller than 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property triggering compatibility.

The applicant is eligible for a waiver of a height restriction per § 25-2-1081(C) which allows for the Land Use Commission to approve a waiver if “there is an existing structure located between the proposed structure and the closest property to the proposed structure that triggers the compatibility standards.” The closest triggering property is across Cesar Chavez Street behind existing commercial structures.

**SUMMARY STAFF RECOMMENDATION:**  
 Staff recommends approval of the waiver request. Various factors inform staff recommendation for approval. These include the distance from the triggering property, the location of the site along Cesar Chavez, and the presence of commercial properties between the subject site and the property triggering compatibility. The site plan will comply with all other requirements of the Land Development Code.

**PROJECT INFORMATION:**

<b>SITE AREA</b>	148,335 square feet	3.405 acres	
<b>EXISTING ZONING</b>	CS-CO-NP / GR-CO-NP		
<b>WATERSHED</b>	Colorado River (Urban)		
<b>WATERSHED ORDINANCE</b>	Comprehensive Watershed Ordinance (Urban)		
<b>TRAFFIC IMPACT ANALYSIS</b>	Not required		
<b>CAPITOL VIEW CORRIDOR</b>	None		
<b>PROPOSED ACCESS</b>	Cesar Chavez		
	<b>Allowed/Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>FLOOR-AREA RATIO</b>	2:1 (CS) / 1:1 (GR)	0:1 / 0.15:1	1.76:1 (CS) / 0.99:1 (GR)

<b>BUILDING COVERAGE</b>	95% (CS) / 75% (GR)	0.0% / 15%	76% (CS) / 45% (GR)
<b>IMPERVIOUS COVERAGE</b>	95% (CS)/ 90% (GR)	63.7%	84.7%
<b>PARKING</b>	616.5	40	618

**SUMMARY COMMENTS ON SITE PLAN:**

The subject site is currently used as a landscape plant nursery and fitness center. The applicant is proposing to construct a two three-story administrative office buildings and a parking garage. The lots are zoned CS-CO-NP and GR-CO-NP.

**COMPATIBILITY:**

The site is subject to Compatibility Standards due to single-family structures, zoned SF-3-NP, to the west of Tillery Street within 540 feet. The project as proposed is fully compliant with the compatibility requirements for these triggering properties.

The site is also subject to Compatibility Standards due to land zoned SF-3 to the south across Cesar Chavez Street and beyond property zoned GR-MU-CO-NP. The SF-3 zoning triggering compatibility requirements is approximately 200 ft. in distance from the subject property. § 25-2-1063(C) requires structures more than 100 feet but not more than 300 feet from the property triggering compatibility be no taller than 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property triggering compatibility.

**PLANNING COMMISSION ACTION:**

N/A

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-CO-NP / GR-CO-NP	Administrative and Business Offices / Restaurant (General)
<i>North</i>	CS-CO-NP / LI-CO-NP	Commercial
<i>South</i>	Cesar Chavez St.	N/A
<i>East</i>	CS-CO-NP	Commercial
<i>West</i>	LI-CO-NP	Administrative and Business Offices

**ABUTTING STREETS:**

<b>Street</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>	<b>Classification</b>
Cesar Chavez	96 ft.	46 ft.	ASMP Level 3

**NEIGHBORHOOD ORGNIZATIONS:**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>Austin Independent School District</li> <li>Austin Lost and Found Pets</li> <li>Austin Neighborhoods Council</li> <li>Barrio Unido Neighborhood Association</li> <li>Bike Austin</li> <li>Black Improvement Association</li> <li>Buena Vista Neighborhood Association</li> <li>Claim Your Destiny Foundation</li> <li>Del Valle Community Coalition</li> <li>East Austin Conservancy</li> <li>East Riverside / Oltorf Neighborhood Plan Contact Team</li> </ul> | <ul style="list-style-type: none"> <li>East Town Lake Citizens Neighborhood Association</li> <li>El Concilio Mexican-American Neighborhoods</li> <li>Friends of Austin Neighborhoods</li> <li>Govalle/Johnston Terrace Neighborhood Plan Contact Team</li> <li>Greater East Austin Neighborhood Association</li> <li>Guadalupe Neighborhood Development Corporation</li> <li>Homeless Neighborhood Association</li> <li>Neighborhood Empowerment Foundation</li> <li>Neighbors United for Progress</li> <li>Parque Zaragosa Neighborhood Association</li> </ul> |
|--|---|

Preservation Austin  
River Bluff Neighborhood Assoc.  
SELTexas  
Sierra Club, Austin Regional Group  
State of Texas  
Tejana Bilingual Community  
Tejano Town  
Tillery Square Neighborhood Association  
United Austin for the Elderly  
United East Austin Coalition



**CIVILITUDE**  
ENGINEERS & PLANNERS

October 24, 2019

City of Austin Development Planning Commissioners  
301 W 2nd Street  
Austin, Texas 78701

Re: Compatibility Waiver for SP-2019-0168C  
3232 E Cesar Chavez  
Austin, Texas 78702

Dear Commissioners,

On behalf of our client, Cesar Nursery Owner, LLC, we are requesting a compatibility waiver for the 3232 E Cesar Chavez project. The project proposes to remove the existing landscape plant nursery and fitness center and replace them with two four-story administrative office buildings, a structured parking garage, and ancillary improvements. The 3.43-acre site is located at 3232 and 3306 E Cesar Chavez in East Austin. The east portion of the site is zoned CS-CO-NP, General Commercial - Conditional Overlay - Govalle Neighborhood Plan and the west portion of the site is zoned GR-CO-NP, Community Commercial - Conditional Overlay - Govalle Neighborhood Plan.

Compatibility is triggered by SF-3 zoning on the rear portion for the properties fronting on the south side of E Cesar Chavez and by the properties on the west side of Tillery St. The triggering properties on Tillery St. are approximately 380 feet west of the site, so there is no compatibility waiver required for those properties. The triggering zoning line on the rear portion of the properties on the south side of E Cesar Chavez is approximately 200 feet south of the site, so the height limit at the front property line would be 50 feet. The request is to allow the office buildings, which are set at the front property line per Subchapter E requirements, to be the 60 foot height allowed by zoning.

Discussions with the Neighborhood Planning and Zoning Dept. staff to determine the rationale for the SF-3 zoning on rear portion of the commercial properties revealed that the zoning was used decades ago as a means to minimize or prevent development along the Colorado River before environmental regulations were implemented. The zoning line and 25-foot no-build compatibility setback would essentially allow impervious cover and/or buildings within 75 feet of the south right-of-way of E Cesar Chavez. But this also limited the height of buildings on the north side of E Cesar Chavez, which we believe was an unintended result of the SF-3 zoning.

If you have any questions, please do not hesitate to contact us and inquire at 512-761-6161.

Sincerely,

James M. Schissler, P.E.  
Vice President

Building Information			
GROSS SITE AREA	148,335 SF	3.405 Acres	
ZONING	GR-CO-NP	CS-CO-NP	
SITE AREA PER ZONING (SF)	40,164		108,171
PROPOSED LAND USE	ADMINISTRATIVE/BUSINESS OFFICE/GENERAL RESTAURANT		
BUILDING NUMBER	1	1	2
BUILDING TYPE	OFFICE	OFFICE	GARAGE
NUMBER OF STORIES	4	4	5
BUILDING COVERAGE (SF)	18,074	82,210	36031
BLDG. COVERAGE ALLOWED (%)	75		95
BLDG. COVERAGE - PROPOSED (%)	45		76
GROSS BUILDING AREA (SF)	54222		169643
FLOOR-TO-AREA RATIO - ALLOWED	1:1	2:1	N/A
FLOOR-TO-AREA RATIO - PROPOSED	0.99:1	1.76:1	N/A
IMPERVIOUS COVER (SF)	34,955	91,189	126,144
IMPERVIOUS COVER - MAX. (%)	90	95	93.6
IMPERVIOUS COVER - PROPOSED (%)	87.0	84.3	
BUILDING HEIGHT - 60' MAXIMUM (FT)	60	60	60
FOUNDATION TYPE	SLAB ON GRADE		
OPEN SPACE AREA (SF) REQUIRED 5%	7,417	PROV'D	14,891

DA													
Bldg	Land Use	Area (SF)	Parking Ratio	Req'd Spaces	Reduced Req't	Prov'd (Reg)	Req'd ADA	Prov'd ADA	Req'd ADA Van	Prov'd ADA Van	Req'd Bike	Prov'd Bike	Loading Spaces
1	Administrative Office	125,505	1 PER 275 SF	456.4	319.5								
	Restaurant	5,000	1 PER 75 SF	66.7	46.7								
2	Administrative Office	98,360	360	357.7	250.4								
Total		228,865		880.7	616.5	618	12	12	2	2	44.0	46	3

\*20% for Urban Core Parking Reduction per 25-6-471 (G), 10% for providing showers

Proposed Impervious Cover Table (SF)	
Building	94,471
Parking/Driveway	21,425
Sidewalk & Others	9,742
Total IC (Area)	125,638
Gross Site Area	148,335
Total (Percent)	84.70%

**SITE PLAN RELEASE NOTES:**

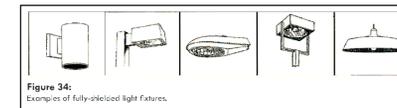
- ALL IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE RELEASED SITE PLAN. ANY ADDITIONAL IMPROVEMENTS WILL REQUIRE SITE PLAN REVISION OR CORRECTION AND APPROVAL OF THE DEVELOPMENT SERVICES DEPARTMENT.
- APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING AND FIRE CODE APPROVAL NOR BUILDING PERMIT APPROVAL.
- ALL SIGNS MUST COMPLY WITH REQUIREMENTS OF THE LAND DEVELOPMENT CODE (CHAPTER 25-10).
- ADDITIONAL ELECTRIC GASEMENTS MAY BE REQUIRED AT A LATER DATE.
- WATER AND WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF AUSTIN.
- ALL EXISTING STRUCTURES SHOWN TO BE REMOVED WILL REQUIRE A DEMOLITION PERMIT FROM THE CITY OF AUSTIN DEVELOPMENT SERVICES DEPARTMENT.
- A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED OR PLANNING COMMISSION APPROVED SITE PLANS.
- FOR DRIVEWAY CONSTRUCTION: THE OWNER IS RESPONSIBLE FOR ALL COSTS FOR RELOCATION OF, OR DAMAGE TO UTILITIES.
- FOR CONSTRUCTION WITHIN THE RIGHT-OF-WAY, A ROW EXCAVATION PERMIT IS REQUIRED.

**NOTES:**

- APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
- SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP.
- ACCESSIBLE PARKING SPACES MUST BE LOCATED ON A SURFACE WITH A SLOPE NOT EXCEEDING 1:50.
- ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50.
- THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY RAMP IS 30 INCHES. THE MAXIMUM HORIZONTAL PROJECTION IS 30 FEET FOR A RAMP WITH A SLOPE BETWEEN 1:12 AND 1:15, AND 40 FEET FOR A RAMP WITH A SLOPE BETWEEN 1:16 AND 1:20.
- SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO, PRINCIPAL BUILDING MATERIALS.

**COMPATIBILITY STANDARD NOTES:**

- ALL EXTERIOR LIGHTING WILL BE HOODED OR SHIELDED FROM THE VIEW OF ADJACENT RESIDENTIAL PROPERTY. (LDC § 25-2-106.4). SECURITY LIGHTING IS NOT REQUIRED TO BE HOODED OR SHIELDED (LA § 2.6).
- ALL DUMPSTERS AND ANY PERMANENTLY PLACED REFUSE RECEPTACLES WILL BE LOCATED AT A MINIMUM OF TWENTY (20) FEET FROM A PROPERTY USED OR ZONED AS SF-5 OR MORE RESTRICTIVE.
- THE USE OF HIGHLY REFLECTIVE SURFACES, SUCH AS REFLECTIVE GLASS AND REFLECTIVE METAL ROOFS, WHOSE PITCH IS MORE THAN A RUN OF SEVEN (7) TO A RISE OF TWELVE (12), WILL BE PROHIBITED.
- THE NOISE LEVEL OF MECHANICAL EQUIPMENT WILL NOT EXCEED 70 DBA AT THE PROPERTY LINE ADJACENT TO RESIDENTIAL USES.
- EXTERIOR LIGHTING ABOVE THE SECOND FLOOR IS PROHIBITED.
- ALL EXTERIOR LIGHTING WILL BE FULLY CUT-OFF AND FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 2.5 AND WILL BE REVIEWED DURING BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH SECTION 2.5.2.E.



**EXISTING LEGEND**

- FIRE HYDRANT W/ GATE VALVE
- WATERLINE W/ GATE VALVE
- WATERLINE W/ DOUBLE SERVICE
- WATERLINE W/ SINGLE SERVICE
- WASTEWATER W/ MANHOLE
- WASTEWATER W/ CLEANOUT
- WASTEWATER W/ DOUBLE SERVICE
- WASTEWATER W/ SINGLE SERVICE
- STORM SEWER W/ MANHOLE
- STORM SEWER W/ CURB INLET
- 700 GROUND CONTOUR

**PROPOSED LEGEND**

- FIRE HYDRANT W/ GATE VALVE
- WATERLINE W/ GATE VALVE
- WATERLINE W/ DOUBLE SERVICE
- WATERLINE W/ SINGLE SERVICE
- WASTEWATER W/ MANHOLE
- WASTEWATER W/ CLEANOUT
- WASTEWATER W/ STACK
- WASTEWATER W/ DOUBLE SERVICE
- WASTEWATER W/ SINGLE SERVICE
- STORM SEWER W/ MANHOLE
- STORM SEWER W/ CURB INLET
- 700 GROUND CONTOUR
- ELECTRIC LINE
- GAS LINE
- PEDESTRIAN RAMP



NO.	DATE	REVISIONS	SHEET

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL LOCATE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

3232 E CESAR CHAVEZ  
3232 E CESAR CHAVEZ ST, AUSTIN, TX 78702

**SITE PLAN**

**CIVILITUDE**  
ENGINEERS & PLANNERS

5110 LANCASTER COURT, AUSTIN, TX 78723 FIRM REG # F12469  
PHONE 512 761 6161 FAX 512 761 6167 INFO@CIVILITUDE.COM

SCALE: \_\_\_\_\_

JOB NO: A374-001

DGN BY: JMS

DWN BY: MAA

RVW BY: JMS

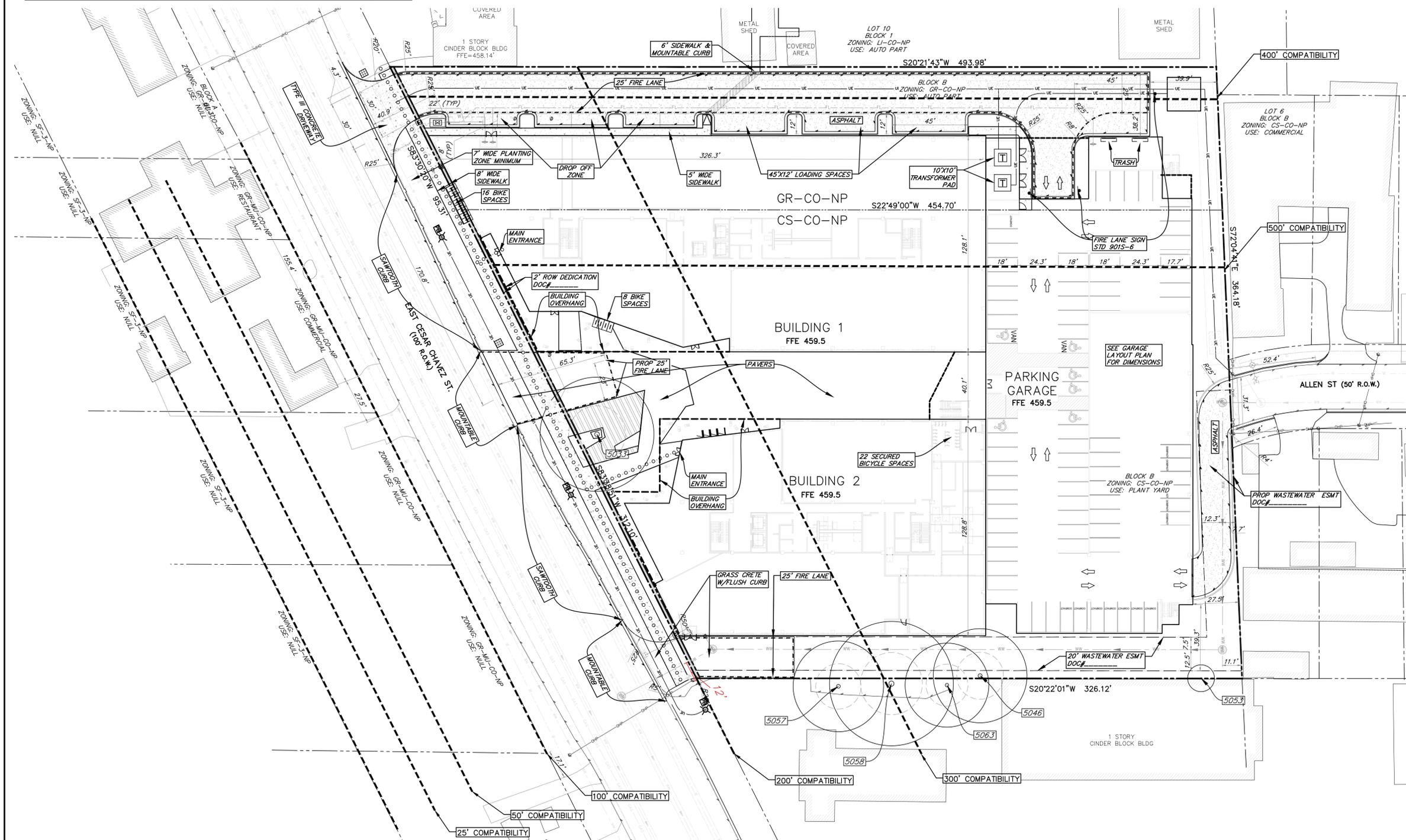
SITE PLAN APPROVAL SHEET 06 OF 22  
FILE NUMBER: SP-2019-0168C APPLICATION DATE: 04-18-2019  
APPROVED BY COMMISSION ON \_\_\_\_\_ UNDER SECTION 112 ON  
CHAPTER 25-5 OF THE CITY OF AUSTIN CODE  
EXPIRATION DATE (25-5-81, LDC) \_\_\_\_\_ CASE MANAGER ROBERT ANDERSON  
PROJECT EXPIRATION DATE (ORD.#970905-A) DWPZ DDZ

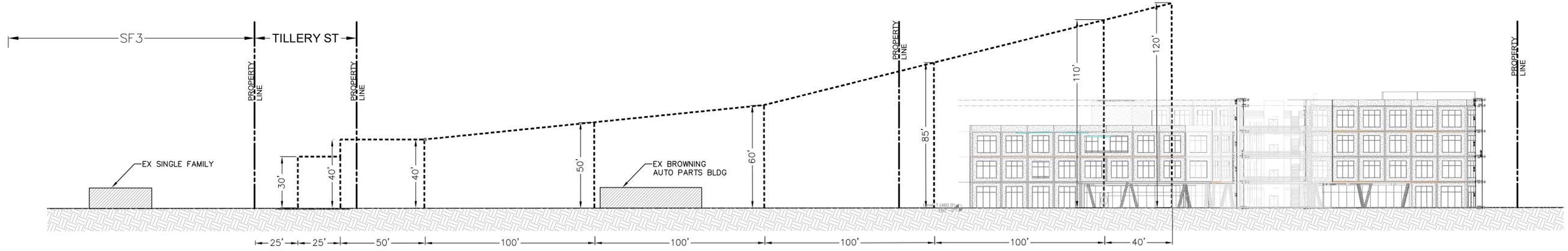
Director, DEVELOPMENT SERVICES DEPARTMENT CS-CO-NP  
RELEASED FOR GENERAL COMPLIANCE: \_\_\_\_\_ ZONING: GR-CO-NP

Rev. 1 \_\_\_\_\_ Correction 1  
Rev. 2 \_\_\_\_\_ Correction 2  
Rev. 3 \_\_\_\_\_ Correction 3

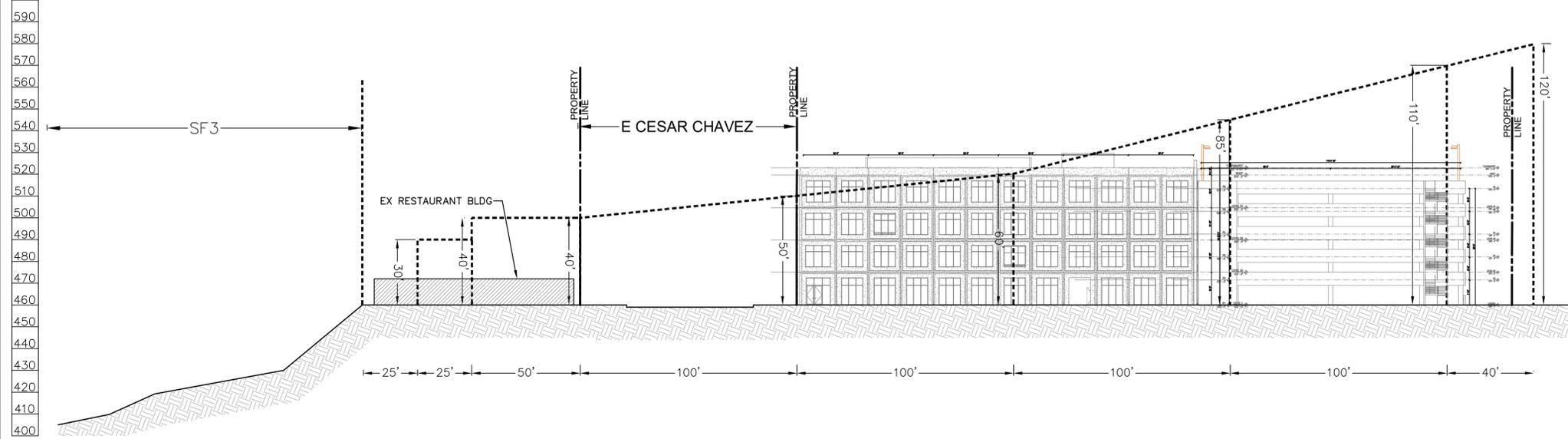
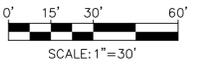
Final plan must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Permits and/or a notice of construction of a Building permit is not required, must also be approved prior to the Project Expiration Date.

SHEET NO. 06 OF 22





TILLERY ST CROSS SECTION



EAST CESAR CHAVEZ ST CROSS SECTION

NO.	DATE	REVISIONS	SHEET

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

3232 E CESAR CHAVEZ  
3232 E CESAR CHAVEZ ST, AUSTIN, TX 78702

**COMPATIBILITY SECTIONS**

**CIVILITUDE**  
ENGINEERS & PLANNERS

5110 LANCASTER COURT, AUSTIN, TX 78723 FIRM REG # F12469  
PHONE 512 761 6161 FAX 512 761 6167 INFO@CIVILITUDE.COM

SCALE: 1"=30'

JOB NO: A374-001

DGN BY: JMS

DWN BY: MAA

RVW BY: JMS



SITE PLAN APPROVAL SHEET 22 OF 22

FILE NUMBER: SP-2019-0168C APPLICATION DATE: 04-18-2019

APPROVED BY COMMISSION ON UNDER SECTION 112 ON CHAPTER 25-5 OF THE CITY OF AUSTIN CODE

EXPIRATION DATE (25-5-01, L24) CASE MANAGER ROBERT ANDERSON

PROJECT EXPIRATION DATE (ORD.#970905-A) DWFZ DDZ

Director, DEVELOPMENT SERVICES DEPARTMENT CS-CO-NP,  
RELEASED FOR GENERAL COMPLIANCE: ZONING: GR-CO-NP

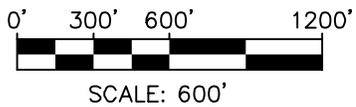
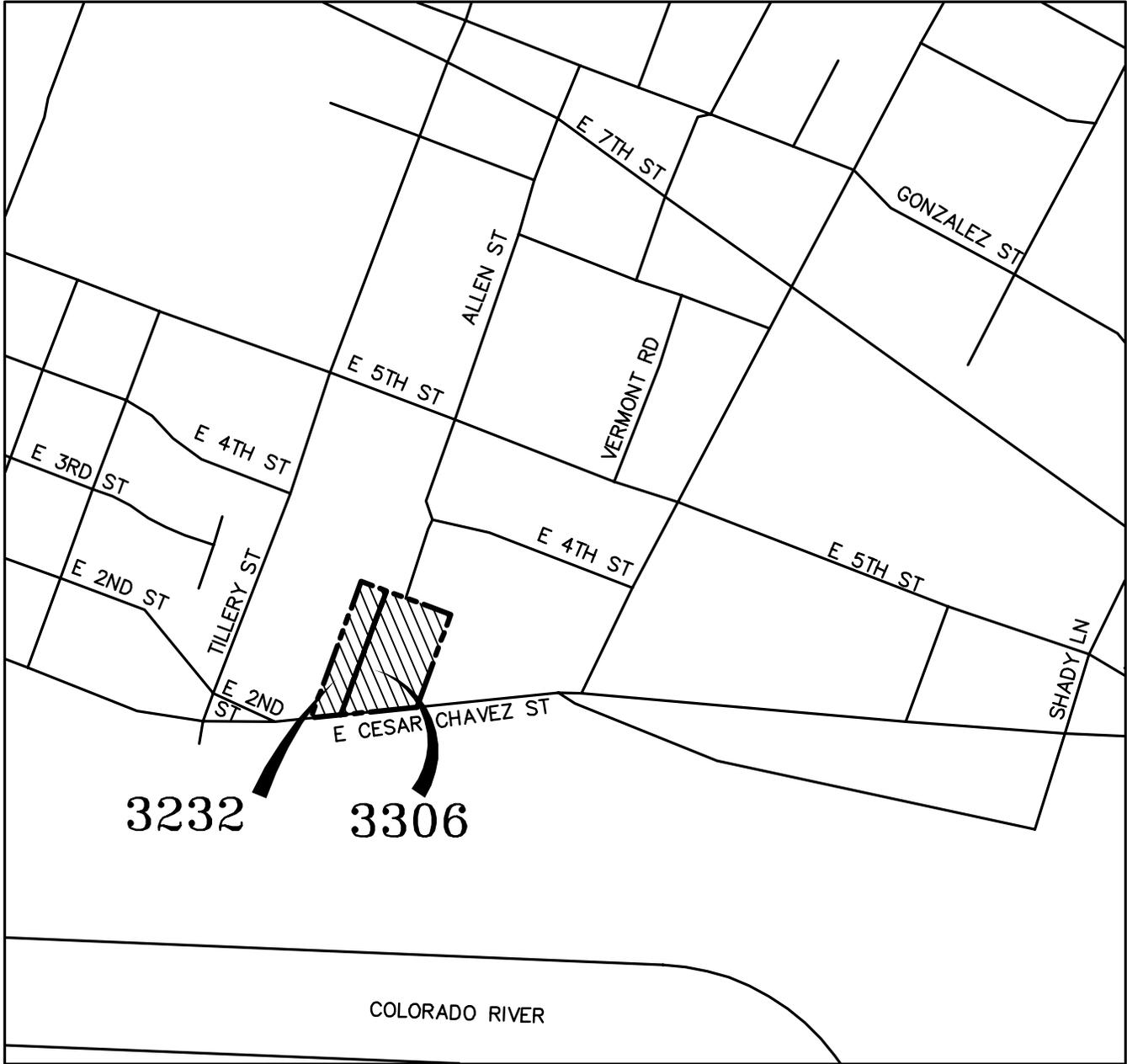
Rev. 1 Correction 1

Rev. 2 Correction 2

Rev. 3 Correction 3

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SHEET NO. 22 OF 22



LOCATION MAP

GRID: L21  
MAPSCO: 616E