

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0123 -- 1408 E. 51st Street DISTRICT: 4

ZONING FROM: LO-V-NP

TO: GR-MU-V-NP, as amended

ADDRESS: 1408, 1410, 1414, 1416, and 1418 East 51st Street

SITE AREA: 3.8246 Acres

PROPERTY OWNERS:

Sage Crossroads, LLC
(David Foor)

AGENT:

Drenner Group PC
(Leah Bojo)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the Applicant's request to rezone the property from LO-V-NP to GR-MU-V-NP. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

December 10, 2019: To grant GR-MU-V-CO-NP with additional prohibited and conditional uses. Commission recommends that these uses match the zoning designation of MU5A as much as possible, as defined in the draft land development code, as approved on 1st reading on December 5, 2019. Commission recommends GR-MU-V-CO-NP with the following conditions:

1. Drop-off recycling collection facility and Funeral services land uses shall be prohibited;
2. Drive-in (all types), Alternative financial services, Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (all types), Bail bond services, Pawnshop services, Pedicab storage and dispatch land uses shall be conditional. (12-0-1) [C. Kenny- 1st, G. Anderson- 2nd; C. Hempel- Abstain]

November 12, 2019: To grant postponement to December 10, 2019 as requested by neighborhood, on consent (11-0) [A. Azar- 1st, Kenny- 2nd]

CITY COUNCIL ACTION:

January 23, 2020:

December 5, 2019: To grant postponement to January 23, 2020 as requested by staff, on consent.

ORDINANCE NUMBER:

ISSUES:

The Applicant originally requested CS-MU-V-NP zoning for the property, and later amended the request based on feedback from Staff. A Restrictive Covenant Amendment (City File # C14-71-278(RCA)) is filed in relation to the rezoning request.

As part of the recommendation made by Planning Commission, Commissioners expressed an intent to match the list of prohibited and conditional land uses to those proposed for MU5A zoning in the current draft of the new land development code. The goal was to make it easier for this site to convert to MU5A, as it is mapped in the draft code, instead of remaining with a F25 zoning designation.

CASE MANAGER COMMENTS:

The subject tract is comprised of multiple lots located on the north side of East Manor Road, approximately halfway between IH 35 and Berkman Drive. The property is zoned LO-V-NP and is currently partially undeveloped and partially developed with parking for Promiseland Church. North of the subject tract is property zoned LO-NP that contains floodplain and City of Austin drainage control features. Further north is a single family neighborhood zoned SF-3-NP. Immediately east of the subject tract is Promiseland Church, which is zoned LO-V-NP. Further east is are more drainage control features zoned LI-NP and a combined car wash/service station/convenience store zoned GR-MU-CO-NP. Immediately west of the subject property are apartments zoned GR-MU-V-CO-NP. Further west is a mix of commercial uses including office, limited restaurant, etc., with a mix of zoning including MF-2-NP, LO-V-NP, and GR-MU-V-CO-NP. Across East 51st Street to the south is the Mueller Planned Unit Development (PUD). The PUD contains a mix of land uses including office, medical services, retail, residential and more. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The Applicant is proposing to redevelop the property with mixed multifamily and other land uses. Staff supports the requested zoning. GR-V-MU-NP is consistent with other properties along this stretch of 51st Street, as well as the Mueller PUD on the opposite side of East 51st Street. East 51st Street is a core transit corridor that supports vertical mixed use development, and the Mueller PUD also promotes high density commercial, residential, and other land uses. ***Please see Exhibit C—Applicant Letter.***

Correspondence has been received in favor and opposition to the rezoning request. ***Please see Exhibit D- Correspondence.***

BASIS OF RECOMMENDATION:

1. *Granting of the request should result in an equal treatment of similarly situated properties.*

GR-MU-V-NP zoning is consistent with the GR-MU-C-CO-NP, LO-V-NP, LO-V-MU-NP and other zoning districts along this stretch of East 51st Street.

2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

Planning Commission and City Council have adopted vertical mixed use regulations that promote mixed use along core transit corridors.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-V-NP	Undeveloped, Parking lot
North	LO-NP, LO-CO-NP, SF-3-NP	City drainage features, Single family residential
South	PUD	Mueller PUD- Office, Commercial, Residential
East	LO-V-NP, LI-NP, GR-MU-CO-NP	Religious assembly, City drainage features, Automotive washing, Service station, Food sales
West	GR-MU-V-CO-NP, LO-V-NP, MF-2-NP	Multifamily, Office, Restaurant-limited

NEIGHBORHOOD PLANNING AREA: University Hills/Windsor Park

TIA: N/A – Deferred to time of site plan, if triggered

WATERSHED: Tannehill Branch Creek

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
 Del Valle Community Coalition
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Windsor Park Neighborhood Association
 Mueller Neighborhood Association
 Winsor Park-Pecan Springs Heritage NA
 Windsor Park Neighborhood Plan Contact Team

AISD
 Preservation Austin
 Sierra Club
 Mueller Community Associations
 Bike Austin
 Austin Neighborhoods Council

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C814-04-0055.SH Mueller PUD Amendment #4	To add cottage housing type, etc.	11/12/2019: TBD	12/05/2019: TBD

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 51 st St	90'	65'	ASMP Level 3	Yes	Yes	Yes

OTHER STAFF COMMENTS:**ENVIRONMENTAL**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill 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.

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.

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.

- ☐ 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.

TRANSPORTATION

TR1. A traffic impact analysis has been deferred until the site plan stage, if triggered.

TR3. A Neighborhood Traffic Analysis was not required for this site, as the property fronts a Level 3 roadway.

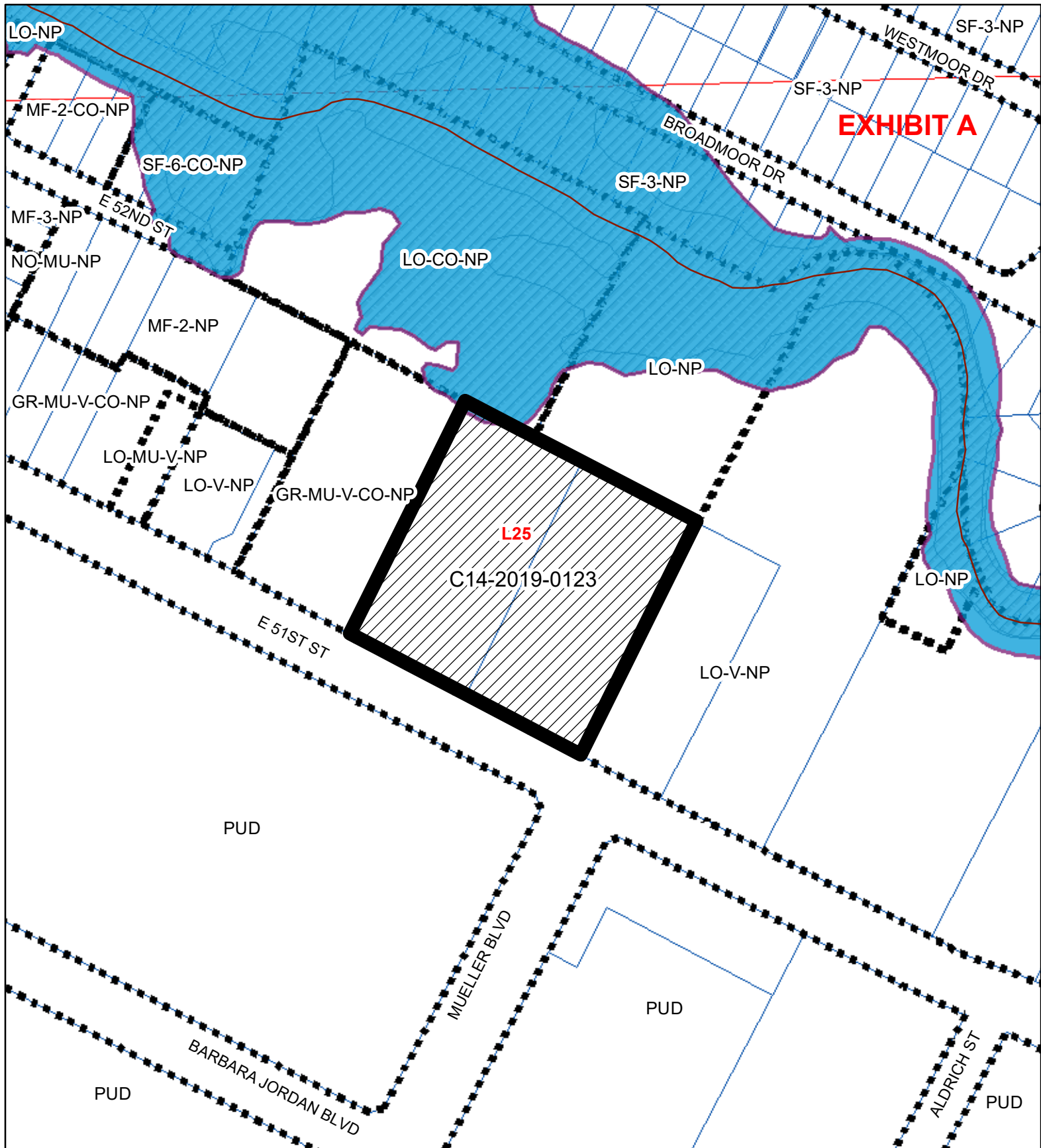
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 51 st St	90'	65'	ASMP Level 3	Yes	Yes	Yes





WATER UTILITY

1. 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 land use. 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Applicant Letter
- D. Correspondence



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

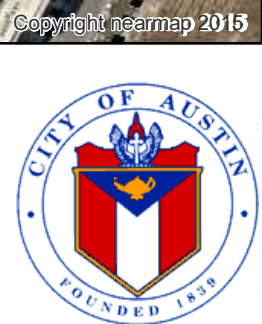
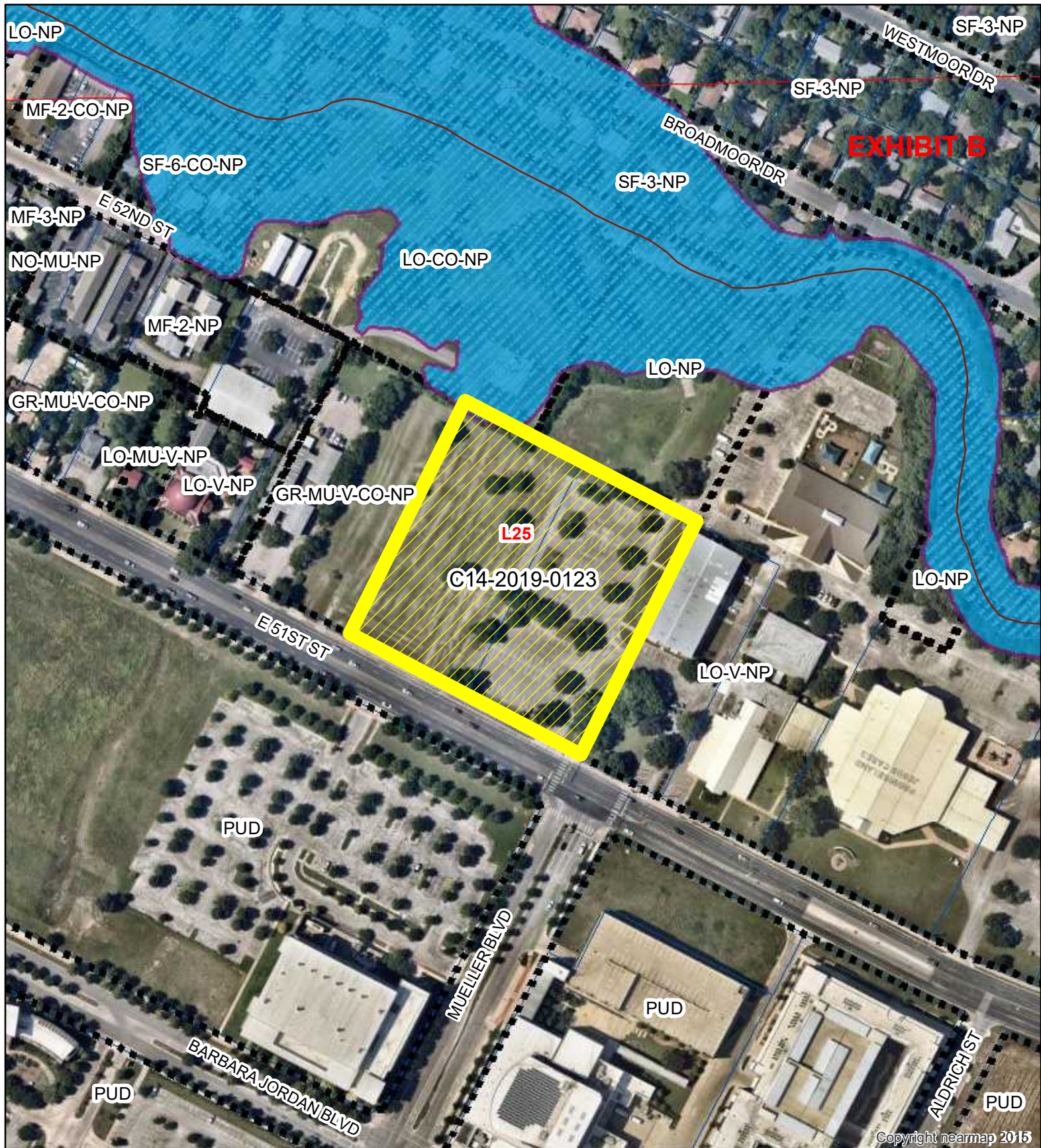
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 MANAGER: Heather Chaffin







1" = 200'

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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Leah Bojo
lbojo@drennergroupp.com
512-807-2918

DRENNER GROUP

EXHIBIT C

September 9, 2019

Ms. Denise Lucas
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 1408 East 51st Street – Zoning and Restrictive Covenant Amendment applications for the approximately 3.8246 acres of property located at 1408-1418 East 51st Street, in Austin, Travis County, Texas (the "Property")

Dear Ms. Lucas:


As representatives of the owner of the Property, we respectfully submit the enclosed zoning and Restrictive Covenant Amendment (RCA) applications. The project is titled 1408 East 51st Street and is approximately 3.8 acres of land. It is in the Full Purpose Jurisdiction of the City of Austin and is located on the north side of East 51st Street, across the street from the Mueller development.

The eastern portion of the Property is developed with a surface parking lot that previously served the Promiseland Church. The remainder of the site is undeveloped. The current zoning is LO-V-NP (Limited Office – Vertical Mixed Use Overlay – Neighborhood Plan). The requested rezoning is from LO-V-NP to CS-V-MU-NP (General Commercial Services – Vertical Mixed Use Overlay – Mixed Use – Neighborhood Plan). The purpose of these requests is to release the Property from a restrictive covenant recorded on December 15, 1971, limiting the number of multifamily units allowed on a portion of the property, and to allow for the development of a dense, mixed use residential project.

The Property is located in the University Hills/Windsor Park Neighborhood Planning Area. East 51st Street is a Core Transit Corridor and is undergoing implementation of the East 51st Street Mobility Project as a part of the 2012 bond program. The Future Land Use Map ("FLUM") designation on the Property is Mixed Use and so a neighborhood plan amendment to the FLUM will not be required. See the attached memo from Maureen Meredith issued on August 20, 2019. The Traffic Impact Analysis ("TIA") has been deferred until site plan. Please see the attached TIA determination form dated May 8, 2019 and executed by Amber Mitchell.

Please let me know if you or your team members would like additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo

cc: Jerry Rusthoven, Planning and Zoning Department (*via electronic delivery*)
Joi Harden, Planning and Zoning Department (*via electronic delivery*)
Heather Chaffin, Planning and Zoning Department (*via electronic delivery*)

EXHIBIT D

From: Rodney Ahart
Sent: Tuesday, November 12, 2019 11:54 AM
To: Heather Chaffin <heather.chaffin@austintexas.gov>
Cc: Leah Bojo; Joi Harden <joi.harden@austintexas.gov>
Subject: Case Number: C14-2019-0123

Dear Ms. Chaffin,

The Windsor Park Neighborhood Plan Contact Team (WPNPCT) met Monday, November 4 to review and discuss its recommendation on Case Number: C14-2019-0123. The proposed project is located at 1408-1418 E 51st Street within the boundaries of the Windsor Park Neighborhood Planning Area.

The WPNPCT unanimously supports the zoning request of GR-MU-V-CO-NP with the prohibition of the following GR uses on the site: drive-throughs; automotive rentals, repair services, sales, and washing of any type; bail bonds; drop off recycling; pawnshops; pedicab storage and dispatch; and funeral services. The developer also agreed to provide a 15-foot public easement along the eastern edge of the property to support a future neighborhood linkage along Belfast Drive/Broadmoor Drive to 51st Street. The developer will enter into an agreement with a local non-profit to ensure this public connection comes to fruition.

The WPNCT also supports the proposed amendment to remove a portion of the site from the 1971 restrictive covenant, per case number C14-71278(RCA).

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

Thank you,
Rodney E. Ahart
Windsor Park Neighborhood Plan Contact Team, Chair

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