

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0065, Rainey Gas Insulated DISTRICT: 9
Switchgear (GIS) Substation

ZONING FROM: Unzoned & SF-3 TO: P

ADDRESSES: 806 ½, 734, 800 ½ Lambie
Street; 55, 55 ½ East Avenue; 50 ½ North
Interstate Highway 35 Service Road, South
Bound

SITE AREA: 1.440 acres (62,726 sq. ft.)

PROPERTY OWNER: AGENT:
Austin Energy (Pamela England) Civil Land Group, LLC (Greg Ulcak, P.E.)

CASE MANAGER: Mark Graham (512-974-3574, mark.graham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommendation is to grant public (P) district zoning. *For a summary of the basis of staff's recommendation, see case manager comments below.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

September 8, 2020:

CITY COUNCIL ACTION:

October 15, 2020:

ORDINANCE NUMBER:

ISSUES

No issues have been identified for this project.

CASE MANAGER COMMENTS:

The proposed Rainey Street Electrical Substation will be a City owned and Austin Energy operated facility located in the Rainey Street District and serving downtown Austin. The applicant is requesting public (P) zoning for this major publicly owned facility. The rezoning site is along the west side of IH 35 frontage road and bordered on the east by East Avenue. Access will be from Lambie Street on the south. River Street is the north border of the site. The property

is locally known as 806 ½ Lambie Street and previously addressed as 734 and 800 ½ Lambie Street; 55 and 55 ½ East Avenue; 50 ½ North Interstate Highway 35 Service Road Southbound.

This rezoning case includes two tracts of land. The first tract, zoned SF-3, is a 0.4729-acre tract (20,599.52 square feet). The second tract, which is unzoned, is a 0.9702-acre (42,261.91 square feet). The total site was surveyed as 1.440-acres (62,861.44 square feet). The site is currently vacant.

Public (P) District Designation
25-2-145

Public (P) district is the designation for a government, civic, public service, or public institution use. A Public (P) district designation may be applied to a use which located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land which the use is located.

Public District Regulations
25-2-625(D.) (2.)

For a site of one acre or more, the site development regulations are established by the approval of a conditional use site plan. The site is 1.440 acres according to the survey submitted with the application.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

P – Public district land owned or leased by federal, state, county, or city government. The Applicant requests public (P) zoning for a facility that will be owned by a city government, Austin Energy.

2. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

The zoning is for a major utility facility, an electrical substation, that distributes electricity to the community.

3. *The rezoning should be consistent with the policies and principles adopted by the City Council or Land Use Commission.*

It is City Council's general policy that all City owned or leased land be zoned public (P) district.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	SF-3, Unzoned	Vacant
North	Unzoned	IH-35 Highway, frontage roads and facilities
South	Unzoned, CBD	Vacant
East	Unzoned	IH-35
West	CBD	Offices

NEIGHBORHOOD PLANNING AREA: Downtown Area Plan. Since the Downtown Area Plan does not have a Future Land Use Map (FLUM), a plan amendment is not required.

TIA: A Traffic Impact Analysis is not required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.

WATERSHED: Lady Bird Lake Watershed – Urban

OVERLAYS: ADU Approximate Area Reduced Parking; Convention Center; Downtown Austin Plan; Districts: Rainey Street; Downtown Density Bonus: FAR - 15 | No Max Height; Green Building Mandatory: Central Business District/Downtown Mixed Use; Residential Design Standards: LDC/25-2-Subchapter F; Selected Sign Ordinances; Selected Sound Ordinances; Waterfront Overlay: RAINEY STREET

SCHOOLS: AISD:

Mathews Elementary

O. Henry Middle

Austin High

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bike Austin
City of Austin Downtown Commission
Downtown Austin Alliance
Downtown Austin Neighborhood Assn. (DANA)
Friends of Austin Neighborhoods
Friends of the Emma Barrientos MACC
Greater East Austin Neighborhood Association

Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Preservation Austin
SELTexas
Sierra Club, Austin Regional Group
Tejano Town
Town Lake Neighborhood Association
Waller District Staff Liaison
Waterloo Greenway

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-04-0097 Rainey Street Neighborhood Rezoning - Tract 1 SWC Lambie Street & IH 35 (southbound frontage road)	Rezone 5.854 acres from GR to CBD	To grant	Aprvd., 04/04/2005 Ord.# 20050407-058
C14-04-0082 Rainey Street Neighborhood Rezoning – Tract E River St. to Cummings St., & Rainey St. to East Avenue	Rezone CS, LO & MF-3 to CBD	To grant	Aprvd., 04/07/2005 Ord.# 20050407-055
C14-99-0001 44-48 Rainey Street	Rezone 2 tracts: Tract 1- 0.565 Acres; Tract 2- 0.384 Acres from LO to DMU-CO (trips not to exceed 2000/day)	To grant	Aprvd., 07/01/1999 Ord.# 990701-93
C14-00-2048 53 – 57 Bierce St.	Rezone 0.441 Acres from SF-3 to DMU- CO (1. trips not to exceed 2000/day; 2. Structure not to exceed 25 feet)	To grant	Aprvd., 05/18/2000 Ord.# 000518-83
C14-04-0083 SWC of River Street & Rainey Street	Rezone 0.294 Acres from SF-3 to CBD	To grant	Aprvd., 05/26/2005 Ord.# 20050526-005 Correcting Ord# 20050407-056

Number	Request	Commission	City Council
C14-04-0078 SWC of Davis Street & Red River Street; and west of Rainey Street between Davis Street and Red River Street.	Rezone 6.39 acres from MF-3 & CS to CBD	To grant	Aprvd.,04/07/2005 Ord.# 20050407-051
C14-04-0081 Driskill Street to River Street & East Avenue to Rainey Street	Rezone 6.525 acres from SF-3, GR, CS-1 and CS to CBD	To grant	Aprvd., 04/07/2005 Ord.#20050407-054

RELATED CASES:

No cases found

LEGAL DESCRIPTION

Metes and bounds:

OTHER STAFF COMMENTS:

Urban Design

Downtown Austin Plan

The property is in the Rainey Street District of the Downtown Austin Plan (DAP). The applicant is proposing to change the zoning from SF-3 to Public (P), for the purpose of constructing a substation.

- The Downtown Austin Plan has this address earmarked as “Public Sites with Potential for Change”

District Specific Goals:

- Establish an infrastructure master plan to promote an adequate roadway, pathway and utility network. (pg. 58)

Based on the information above, Staff believes that the proposed zoning change is supported by the Downtown Austin Plan

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake 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. At this time, site specific information is unavailable regarding 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.

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. Any new development may be subject to the use and design standards of the Convention Center Zoning District, the Downtown Density Bonus Zoning District, the Rainey Street Subdistrict of the Waterfront Overlay Zoning District, and the Rainey Street Subdistrict of the Downtown Austin Plan. Among other requirements, habitable buildings will be required to meet Green Building Standards.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, requires 70 feet of right-of-way for East Avenue. It is recommended that 35 feet of right-of-way from the existing centerline should be dedicated for East Avenue at the time of subdivision or site plan. A traffic impact analysis is not required at this time.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
River Street	60'	Defer to TxDOT	38'	2	Yes	Yes	Yes
Lambie Street	~49'	Existing	30'	1	No	No	Yes
East Ave.	66'	70'	43'	2	Yes	No	Yes
IH-35 SVRD SB	~347'	Defer to TxDOT	32'	4	Yes	Yes	Yes

Austin Water Utility

AW1. If water and wastewater utility service is required, service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

AW2. 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. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

AW3. 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.

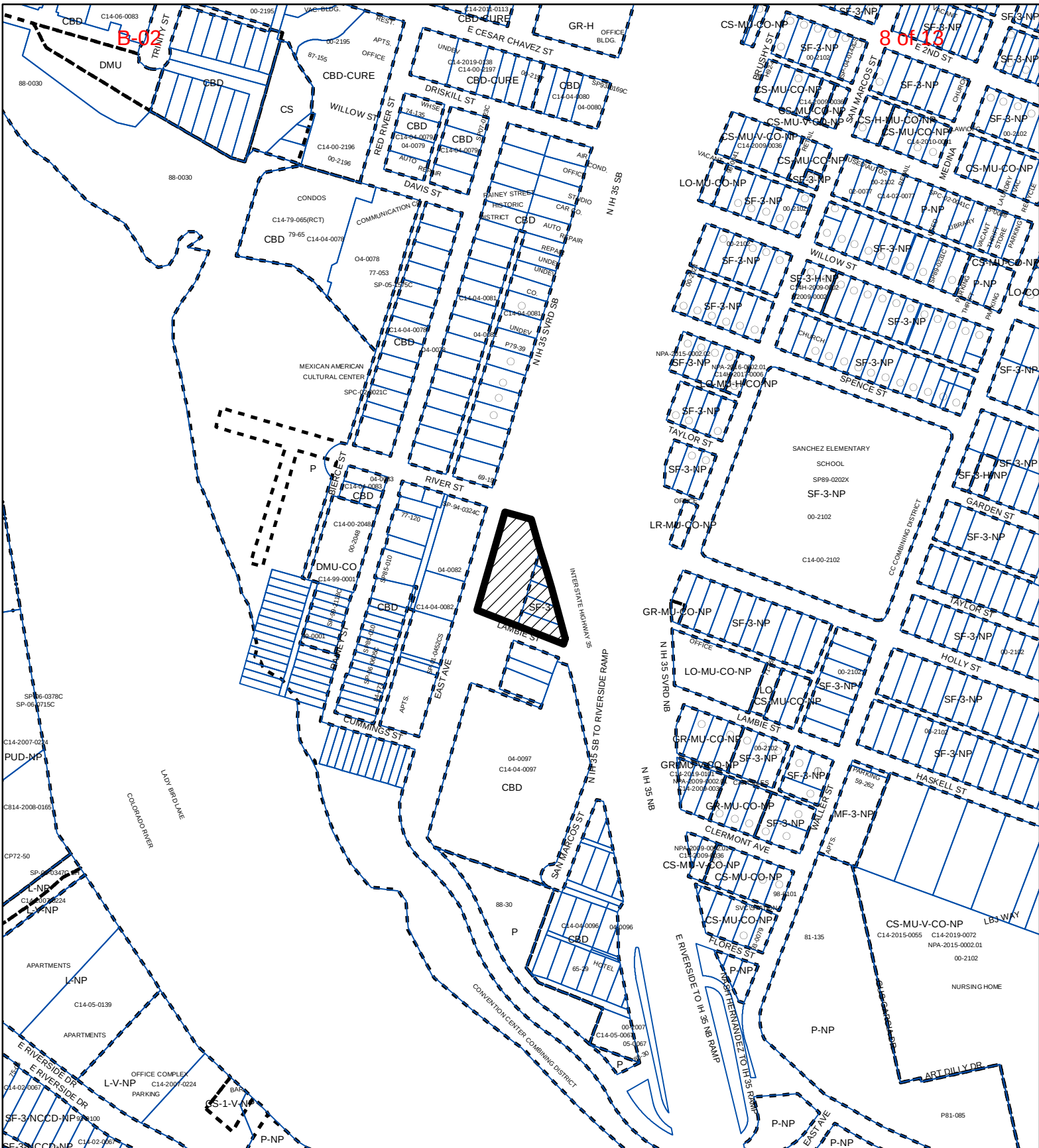
INDEX OF EXHIBITS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Sketch to accompany field notes

Correspondence



ZONING

EXHIBIT A

ZONING CASE#: C14-2020-0065

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



Created: 6/17/2020



1" = 200'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

Rainey Street Gas Insulated Switchgear (GIS) Substation

ZONING CASE#: C14-2020-0065

LOCATION:

SUBJECT AREA: 1.44 ACRES

GRID: J21

MANAGER: MARK GRAHAM

EXHIBIT B



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 "B" SKETCH
TO ACCOMPANY
FIELD NOTES



Called 0.797 Acres
WC 68 East Avenue, LLC
Doc# 2016028718 OPRCT
Special Warranty Deed
With Vendor's Lien

EAST AVENUE

City of Austin 0.282 Acres Per
Doc# 2018088628, Doc# 2018185616 OPRCT
And Per Cause# C-1CV-18-006085 District
Clerk Records Travis County, Texas
Center Line of East Avenue

1.440 Acres Found

Declaration Of
Departmental Transfer
of Operations And
Maintenance Obligations
Doc# 2012178335 OPRCT
Exhibit "A", 0.9702 Acres

INTERSTATE HIGHWAY 35 R.O.W. VARIES
(Location Of West Right-of-Way Line per COA
FB 1809 Pg. 2-6 and TxDot Strip Map CSJ#
15-13-139)

Lot 2
Lot 3

Lot 4
OUTLOT 54,
DIVISION "O"
ORIGINAL
CITY OF AUSTIN

Lot 5

Lot 6

Lot 7

Residue of
20' Alley
Per 2/241
PRCT

POB L1 POC

LAMBIE STREET

Lot 1

ELM GROVE 2/241 PRCT
BLOCK 4

Residue of Lot 2

W D Dodson's Addition
61/22 PRCT

Residue of Lot 4
Residue of Lot 5

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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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 the 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: C14-2020-0065

Contact: Mark Graham, Case Manager, 512-974-3574

Public Hearing: September 8, 2020, Planning Commission

Bryan Bray

Your Name (please print)

☐ I am in favor
☒ I object

40 N IH 35 #2B1, Austin, TX

Your address(es) affected by this application

78701

Signature

8/31/2020
Date

Daytime Telephone: 512-1019-9116

Comments: I object, as this is a predominantly
residential neighborhood, to any change
for those portions of the property zoned
SF-3. I want it kept as predominantly
residential.

I want to attend any and all hearings
on this change and appoint my attorney,
Stephen Sakonchick II, to speak on my
behalf.

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

City of Austin, Planning & Zoning Department

Mark Graham, Case Manager

P. O. Box 1088, Austin, TX 78767

Or email to:

Mark.Graham@austintexas.gov

PUBLIC HEARING INFORMATION

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Case Number: C14-2020-0065

Contact: Mark Graham, Case Manager, 512-974-3574

Public Hearing: September 8, 2020, Planning Commission

Monica Sakonchick

Your Name (please print)

☐ I am in favor
☒ I object

40 N IH 35, Unit 261, Austin

Your address(es) affected by this application To 78701

Monica M. Sakonchick

Signature

8/31/2020

Date

Daytime Telephone: 512-659-6266

Comments: I object to any change for those
portions of the property zoned SF-3.
This is a predominantly a residential
neighborhood and I want to keep it that
way.
I also want to attend any hearing on
this change and appoint my attorney
Stephen Sakonchick II, to speak on my
behalf.

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

City of Austin, Planning & Zoning Department

Mark Graham, Case Manager

P. O. Box 1088, Austin, TX 78767

Or email to:

Mark.Graham@austintexas.gov

From: [Stephen Sakonchick](#)
To: [Graham, Mark](#)
Cc: [Bryn Bray](#); [Monica Sakonchick](#)
Subject: Case Number C14-2020-0065
Date: Monday, August 31, 2020 4:13:39 PM
Attachments: [obj_zoning_chg_bmb.pdf](#)
[obj_zoning_chg_mms.pdf](#)

*** External Email - Exercise Caution ***

I represent Bryn Bray and Monica Sakonchick, the owners of real property at 40 N IH35, Unit 2B!, Austin, Texas 78701, which within 500 feet of the property seeking a zoning change. See the attached written objections and appointment of counsel. Both owners object to the zoning change.

Please let me know how to appear at the September 8, 2020 hearing to be heard on the issue.

Thank you.

Stephen Sakonchick, II
Stephen Sakonchick II, P.C.
6502 Canon Wren Drive
Austin, Texas 78746
(512) 329-0375

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