

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0091
1700 E. 2nd Street

DISTRICT: 3

ZONING FROM: CS-MU-CO-NP

TO: CS-MU-V-NP

ADDRESS: 1700 East 2nd Street and 205 Chalmers Avenue

SITE AREA: 0.51 acres

PROPERTY OWNER:
2nd Street, LLC

AGENT:
Drenner Group, PC
(Leah Bojo)

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

STAFF RECOMMENDATION:

Staff supports CS-MU-V-CO-NP with the following conditions:

1. The following uses are prohibited: Adult oriented businesses, Commercial off-street parking, Convenience storage, Equipment repair services, Kennels, Residential treatment, Outdoor entertainment, Campground, Communication service facilities, Drop-off recycling collection facilities, Equipment sales, Pawn shop services, Vehicle storage and Transportation terminal.

2. The following uses are conditional: Agricultural sales and services, Automotive repair services, Automotive washing (of any type), College and university facilities, Construction sales and services, Electronic prototype assembly, Guidance services, Hotel-motel, Limited warehousing and distribution, Off-site accessory parking, Research services, Restaurant (limited), Service station, Club or lodge, Automotive rentals, Automotive sales, Building maintenance services, Communications services, Custom manufacturing, Exterminating services, Hospital services (limited), Indoor entertainment, Local utility services, Outdoor sports and recreation, Restaurant (drive-in, fast food), Restaurant (general), Hospital services (general) and Transitional housing. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 8, 2022:

CITY COUNCIL ACTION:

December 8, 2022:

ORDINANCE NUMBER:

ISSUES:

The Applicant is proposing to remove two of the existing conditional overlays on the site and retain the remainder of conditions, as listed in the Staff Recommendation on Page 1 of this report. The Applicant proposes removing the 40' height limit and removing townhouse use from the list of prohibited uses.

CASE MANAGER COMMENTS:

The subject property is located at the northeast corner of Chalmers Avenue and East 2nd Street. The property is zoned CS-MU-CO-NP and is developed with two buildings. Land uses on the site include Food sales and Personal services. The lot immediately north of the property is zoned CS-MU-CO-NP and contains Indoor and Outdoor entertainment uses. The lot immediately east of the property is also zoned CS-MU-CO-NP and is developed with a mix of commercial uses. Across Chalmers Avenue to the west is Austin Academy, zoned CS, and Pathways at Chalmers Court, a MF-4-NP zoned property developed with affordable multifamily units. Across 2nd Street to the south is property zoned CS-MU-CO-NP that is used for Vehicle storage. Capital Metro bus route 490 is adjacent to the site on East 2nd Street. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***

The Applicant has stated that the requested rezoning is to allow redevelopment of the property as a vertical mixed use building, with ground floor commercial uses and multifamily uses above. To take advantage of the V/VMU designation, the property would be required to provide onsite affordable units. ***Please see Exhibit C- Applicant Letter.***

Staff supports the rezoning request with the prohibited and conditional uses listed on Page 1. The current height limit of 40 feet prevents redevelopment of the property to a level comparable with the surrounding MF-4, CS, and TOD properties. The addition of market-rate and affordable residential units in this central area with close access to the transportation options of the Plaza Saltillo TOD reflects several of the planning and community goals as outlined in the Strategic Housing Blueprint and other Council-approved actions.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
2. *Zoning should be consistent with approved and existing residential densities.*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-CO-NP	Food sales, Personal services
North	CS-MU-CO-NP	Indoor entertainment, Outdoor entertainment
South	CS-MU-CO-NP	Vehicle storage
East	CS-MU-CO-NP	Retail- limited, Personal services
West	CS-NP, MF-4-NP	Educational facilities (Austin Academy), Multifamily (Pathways at Chalmers Court)

NEIGHBORHOOD PLANNING AREA: East Cesar Chavez NP

TIA: Deferred to time of site plan, if triggered.

WATERSHED: Lady Bird Lake

NEIGHBORHOOD ORGANIZATIONS:

East Cesar Chavez NPCT
 East Cesar Chavez Neighborhood Assoc.
 Greater East Austin Neighborhood Association
 El Concilio Mexican-American Neighborhoods
 Claim Your Destiny Foundation
 Homeless Neighborhood Association
 Sierra Club
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Neighbors United for Progress
 AISD
 Guadalupe Neighborhood Development Corporation
 Guadalupe Association for an Improved Neighborhood (GAIN)

East Austin Conservancy
 Barrio Unido Neighborhood Assoc.
 Austin Innercity Alliance
 A.N.T. Artists and Neighbors Together
 Black Improvement Association
 Tejano Town
 SELTexas
 Austin Neighborhoods Council
 Austin Lost and Found Pets
 Preservation Austin
 Capital Metro

STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 2 nd Street	Local Mobility – Level 2	72 feet	79 feet	42 feet	Existing 5 feet sidewalks	Shared lane, on street	None
Chalmers Avenue	Local Mobility – Level 1	58 feet	53 feet	40 feet	Existing 8 feet sidewalks	None	None

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	COUNCIL
C14-2021-0153 Chalmers Avenue Redevelopment	GR-MU-CO-NP to CS-MU-CO-NP	11/17/2021: To grant CS-MU-CO-NP, on consent	12/9/2021: To grant CS-MU-CO-NP, on consent
C14-2010-0137 207 Chalmers Ave.	SF-3-NP to GR-MU-CO-NP (see exhibit)	10/12/2010: To grant GR-MU-CO-NP, on consent	11/04/2010: To grant GR-MU-CO-NP, on consent
C14-2018-0050.SH and C14-2018-0051.SH Chalmers Courts East and West	MF-4-NP to TOD-NP	6/12/2018: To grant TOD-NP, on consent	6/28/2018: To grant TOD-NP, on consent
C14-2017-0133.SH Pathways at Chalmers Court South	CS-NP and MF-4-NP to MF-5-NP	2/13/2018: to grant MF-5-NP, on consent	3/22/2018: to grant MF-5-NP, on consent

ADDITIONAL STAFF COMMENTS:

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.
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.

Site Plan

- SP 1. Site plans will be required for any new development other than single-family, two-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. The site is subject to compatibility standards due to the proximity of SF-3-NP district to the northeast.
- 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. This tract is already developed and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Parks and Recreation

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with CS-V-MU-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Transportation

ATD 1. A traffic impact analysis is not required as the proposal does not exceed the thresholds established in the Land Development Code.

ATD 2. The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 2 nd Street	Local Mobility – Level 2	72 feet	79 feet	42 feet	Existing 5 feet sidewalks	Shared lane,	None
Chalmers Avenue	Local Mobility – Level 1	58 feet	53 feet	40 feet	Existing 8 feet sidewalks	None	None

ATD 3. The ASMP requires a minimum of 72 feet of right-of-way for East 2nd Street. Existing right-of-way is sufficient in accordance with the ASMP (LDC 25-6-55).

ATD 4. The ASMP requires a minimum of 58 feet of right-of-way for Chalmers Avenue. An additional 2.5 feet of right-of-way from the existing centerline may need to be dedicated at site plan/subdivision in accordance with the ASMP (LDC 25-6-55).

Water Utility

AW1. 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. 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. Based on current public infrastructure configurations, it appears that 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 the Austin Water SER team at ser@austintexas.gov. 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.

EXHIBITS:

- A – Zoning Map
- B – Aerial Exhibit
- C- Applicant Letter

June 22, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 1700 E 2nd Street – Zoning and Neighborhood Plan Amendment applications for the approximately 0.51-acre property located at 1700 E 2nd Street and 205 Chalmers Avenue in Austin, Travis County, Texas (the “Property”)

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed Zoning and Neighborhood Plan Amendment (NPA) applications. The project is titled 1700 E 2nd Street and is approximately 0.51 acres of land, located at the northeast corner of Chalmers Avenue and E 2nd Street. The Property is in the full purpose jurisdiction of the City of Austin.

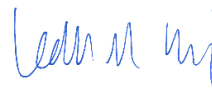
The Property is currently zoned CS-MU-CO-NP (General Commercial Services–Mixed-Use–Conditional Overlay–Neighborhood Plan). The requested rezoning is from CS-MU-CO-NP to a CS-MU-V-NP (General Commercial Services – Mixed-Use – Vertical Mixed-Use Building – Neighborhood Plan). The existing conditional overlay prohibits a variety of uses and limits the height on the site to 40’. As part of this request, we are proposing to remove the 40’ height limit and to remove townhouse use from the list of prohibited uses. The Property is currently developed with a food sales use and a personal services use. The purpose of the rezoning is to allow the Property to be redeveloped in accordance with the Vertical Mixed-Use Overlay, with a mixed-use structure that has ground-floor pedestrian-oriented uses and residential use above.

The Property is within the East Cesar Chavez Neighborhood Planning Area, adopted May 13, 1999. The East Cesar Chavez Neighborhood Plan Future Land Use Map (FLUM) requires an amendment to change the designation from multifamily to mixed-use. Attached is our out-of-cycle NPA application with a letter from the East Cesar Chavez Neighborhood Planning Contact Team’s unanimous vote to support our out-of-cycle NPA request on April 20, 2022.

The Traffic Impact Analysis (“TIA”) has been waived until site plan, per the attached TIA determination waiver dated May 11, 2022, and executed by Justin Good.

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

Sincerely,



Leah M. Bojo

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