

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Govalle/Johnston Terrace Combined (Govalle)

CASE#: NPA-2022-0016.03

DATE FILED: July 22, 2022 (In-cycle)

PROJECT NAME: 4927 E. 5th Street

PC DATE: January 24, 2023
January 10, 2023

ADDRESS/ES: 4927 E. 5th Street

DISTRICT AREA: 3

SITE AREA: 1.42 acres

OWNER/APPLICANT: 4927 E. 5th LTD

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.Meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Industry

To: Commercial

Base District Zoning Change

Related Zoning Case: C14-2022-0103

From: LI-CO-NP

To: LI-PDA-NP

NEIGHBORHOOD PLAN ADOPTION DATE: March 27, 2003

CITY COUNCIL DATE: February 9, 2023

ACTION:

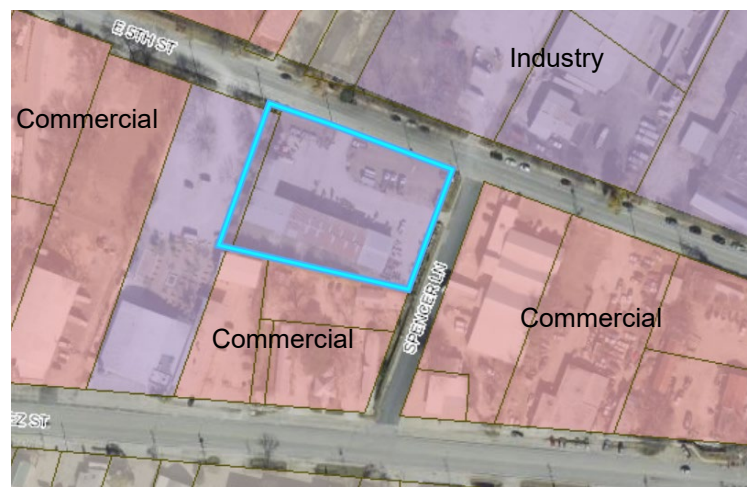
PLANNING COMMISSION RECOMMENDATION:

January 24, 2023 – (action pending)

January 10, 2023 – Postponed to January 24, 2023 on the consent agenda at the request of the neighborhood. [A. Azhar – 1st; J. Thompson -2nd] Vote: 11-0 [P. Howard absent. One vacancy].

STAFF RECOMMENDATION: Staff supports the applicant's request for Commercial land use.

BASIS FOR STAFF'S RECOMMENDATION: The property is a 1.42 acres tract located on the south side of E. 5th Street with the existing future land use of Industry and a proposed change to Commercial land use. The proposed use is a professional office building. There is Commercial land use to north, east, south and west of the property. Staff supports the proposed change because Commercial land use surrounds the property.



Below are sections from the neighborhood plan that supports the applicant's request:

Land Use Goals

Goal 1:	Adjacent land uses should be compatible. (Sector Plan) ²
Key Principles:	Address the "over-zoning" of properties in the Govalle/Johnston Terrace Neighborhood Planning Area. (Sector Plan and modified by Gov/JT) Non-residential development should not adversely affect existing businesses or neighborhoods, either by increases in traffic, noise, pollutants, or other safety hazards. (Sector Plan)

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Industry - Areas reserved for manufacturing and related uses that provide employment but are generally not compatible with other areas with lower intensity use. Industry includes general warehousing, manufacturing, research and development, and storage of hazardous materials.

Purpose

1. To confine potentially hazardous or nuisance-creating activities to defined districts;
2. To preserve areas within the city to increase employment opportunities and increased tax base;
3. To protect the City's strategic advantage as a high tech job center; and
4. To promote manufacturing and distribution activities in areas with access to major transportation systems.

Application

1. Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme;
2. Where needed, require a buffer area for industrial property that abuts residentially used land;
3. Industry should be applied to areas that are not appropriate for residential or mixed use development, such as land within the Airport Overlay; 4. In general, mixed use and permanent residential activities are not appropriate in industrial areas. An exception may be the edge of an industrial area along the interface with an area in which residential activities are appropriate. Such exceptions should be considered case by case, with careful attention to both land use compatibility and design;
5. Industry should not be either adjacent to or across the road from single family residential or schools;
6. Use roadways and/or commercial or office uses as a buffer between residential and industry; and
7. Smaller scale "local manufacturing" districts may be appropriate in some locations to preserve employment opportunities and cottage industries of local artisans. In these areas, hazardous industrial uses (i.e. basic industry, recycling centers, and scrap yards) should be prohibited.

PROPOSED LAND USE ON THE PROPERTY

Commercial -Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals.

Purpose

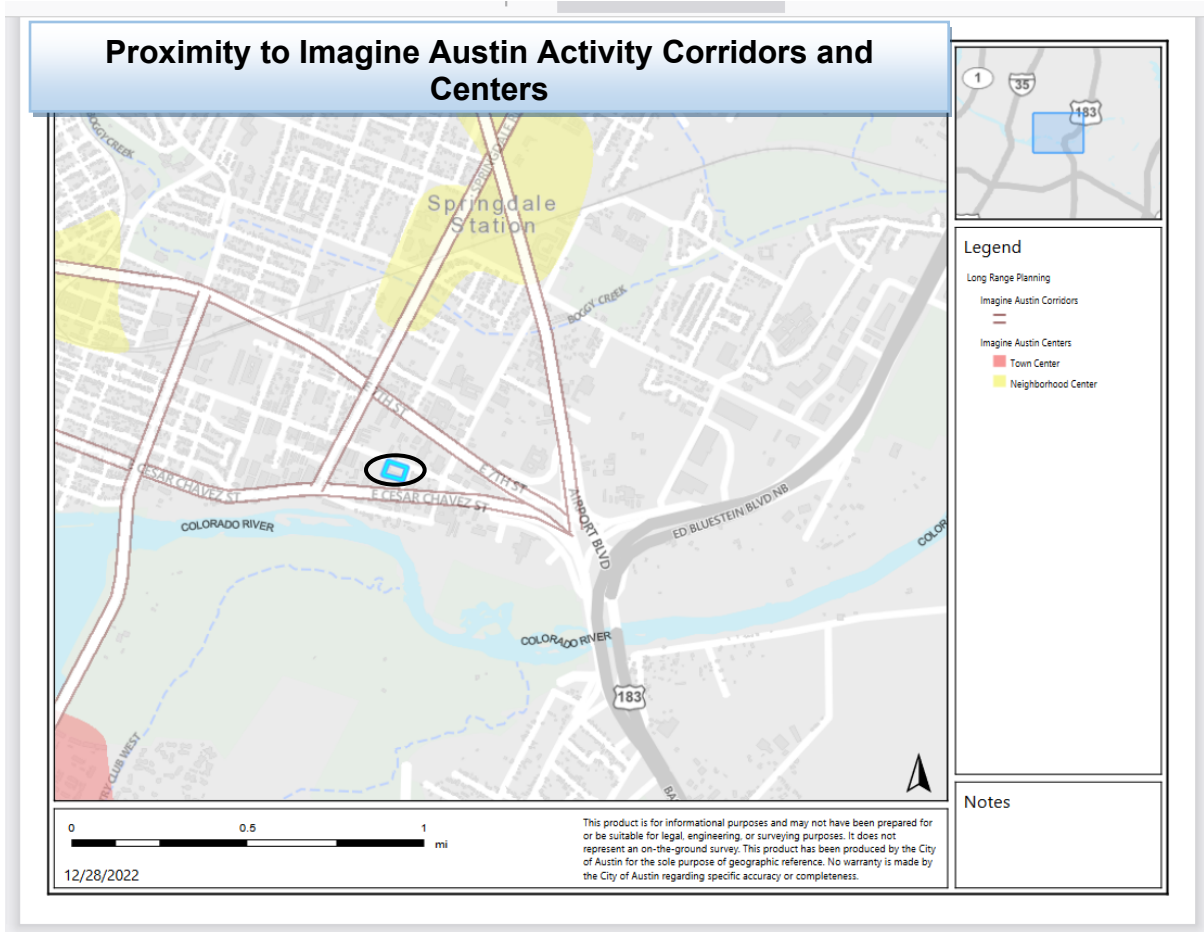
1. Encourage employment centers, commercial activities, and other non- residential development to locate along major thoroughfares; and
2. Reserve limited areas for intense, auto-oriented commercial uses that are generally not compatible with residential or mixed use environments.

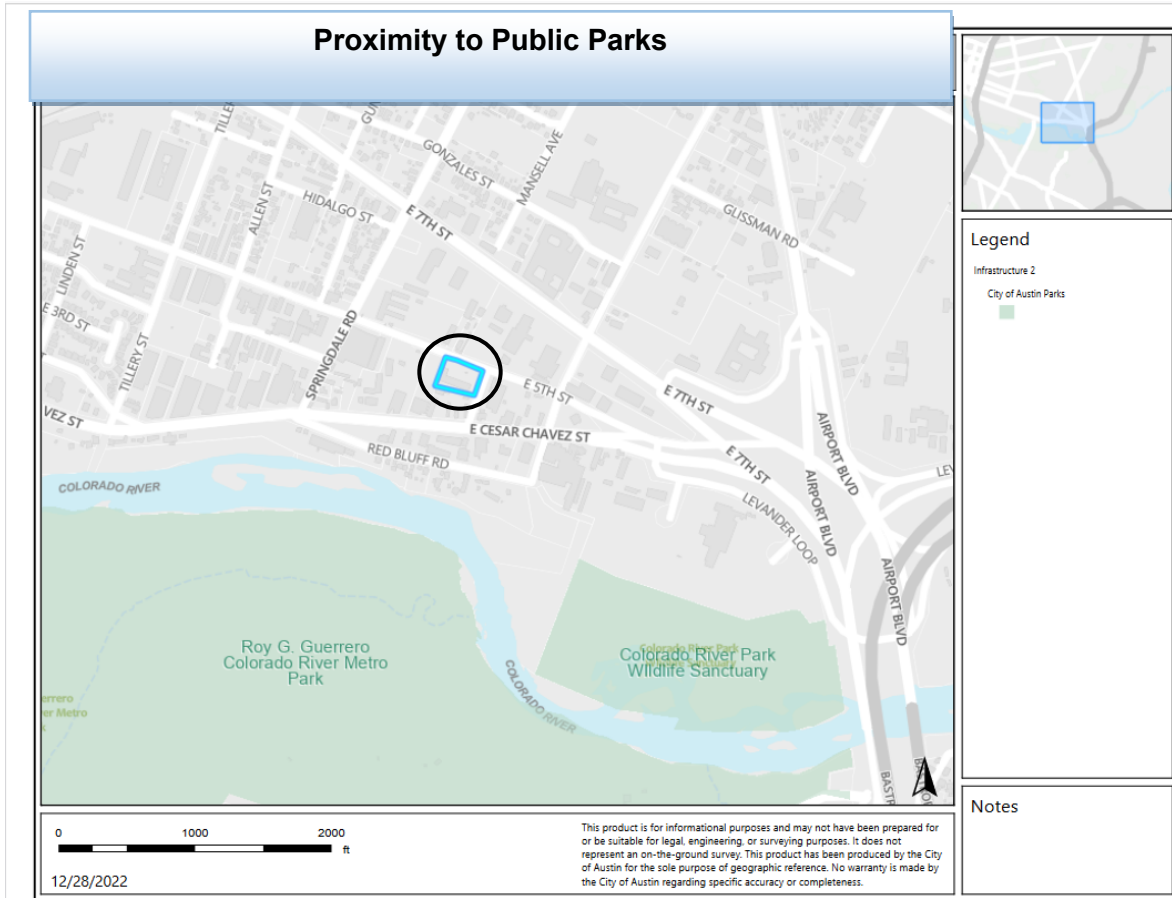
Application

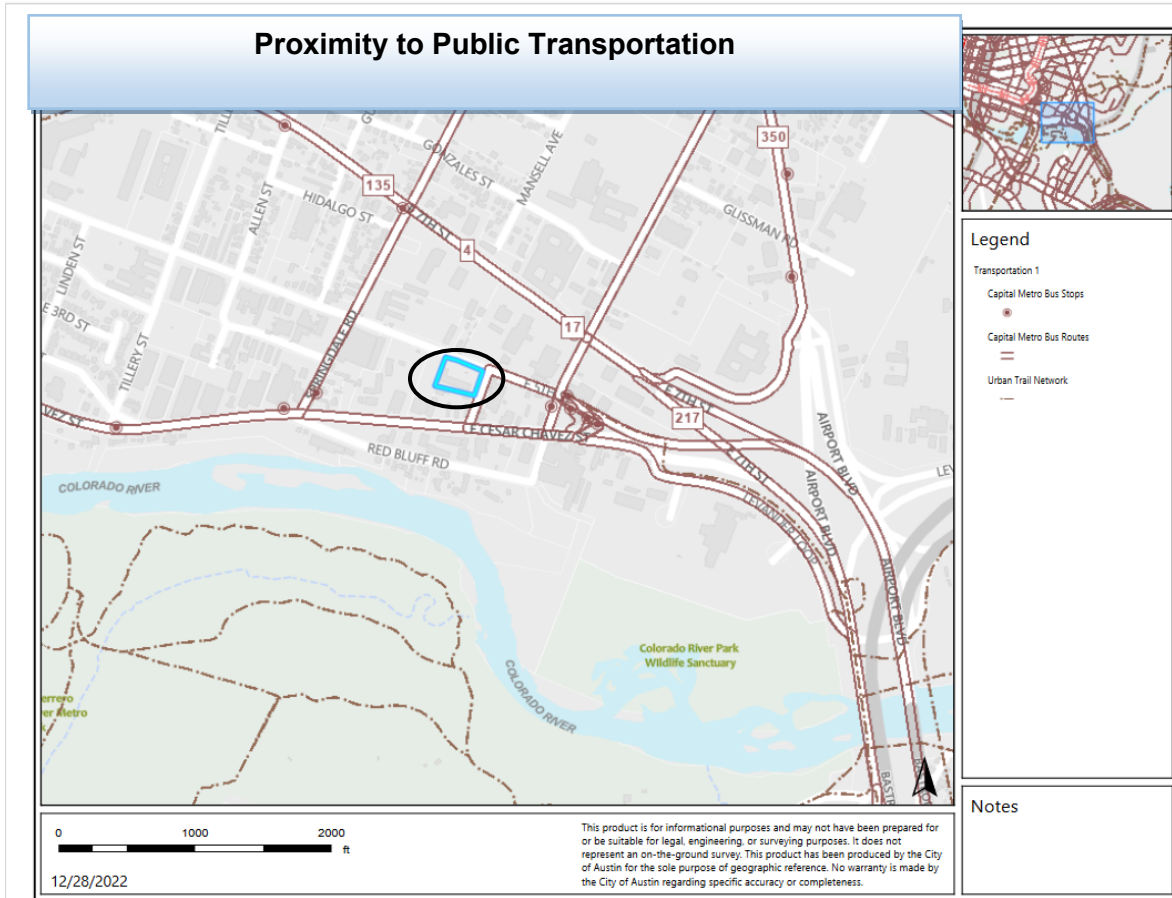
1. Focus the highest intensity commercial and industrial activities along freeways and major highways; and
2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Yes	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: <ul style="list-style-type: none"> The property is located near three activity corridors, E. 7th Street, Springdale Road and E. Cesar Chavez Street
Yes	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> The property is near bus routes and urban trails
Yes	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> E. 5th Street has bike lanes and sidewalks
Yes	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
Yes	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> HEB Grocery store is approx. 1 mile from property
	Connectivity and Education: Located within 0.50 miles from a public school or university.
Yes	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).

	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
6	Number of "Yes's"
Imagine Austin Priority Program PUD Specific Bonus Features	
	Public Space Features and Public Art: Incorporates public space features and/or public art into project (Ex: plazas, streetscapes, gardens, and other people-friendly spaces where different ages can socially interact).
	Integrates and/or Expands Green Infrastructure: Preserves or expands Austin's green infrastructure (ex: parkland, community gardens, green streets, creeks, stormwater features that mimic natural hydrology) into the urban environment and transportation network.
	Protects the Environment: Reduces greenhouse gas emissions, water, energy usage, and/or increases waste diversion.
	Protects Environmentally Sensitive Lands: Protects Austin's natural resources and environmental systems by limiting land use and transportation development over or near environmentally sensitive areas, preserves open space, and protects natural resources more than ordinance requirements.
	Water/Wastewater Infrastructure: Sustainably manages Austin's water resources and stream corridors through on-site use of storm water, effective landscaping, flood mitigation, and other low-impact development techniques more than ordinance requirements.
	Total Number of "Yes's"







IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Regional Centers - Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, row houses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center. The densities, buildings heights, and overall character of a center will depend on its location.

Activity Centers for Redevelopment in Sensitive Environmental Areas - Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment

opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The application was filed on July 22, 2022 which is in-cycle for neighborhood planning areas located on the east side of IH-35.

The applicant proposes to change the future land use map from Industry to Commercial.

The applicant proposes to change the zoning on the property from LI-CO-NP (Limited Industrial Services district-Conditional Overlay combining district – Neighborhood Plan) to LI-PDA-NP (Limited Industrial Services district – Planned Development Area combining district-Neighborhood Plan) for professional office use. For more information on the zoning change request, see case report C14-2022-0103.

PUBLIC MEETINGS: The ordinance-required community meeting was virtually held on September 14, 2022. The recorded meeting can be found at <https://www.speakupaustin.org/npa>. Approximately 101 meeting notices were mailed to people who rent or own property within 500 feet of the subject tract, in addition to neighborhood and environmental groups who requested notification for the area. Two city staff members attended, Maureen Meredith and Mark Walters from the Housing and Planning Department, in addition to the applicant's agents Drew Raffaele and Amanda Swor from Drenner Group. One person from the neighborhood attended.

Amanda Swor, the applicant's agent, provided the following information:

- The property is 1.42 acres.
- Current use is a welding gas supplier.
- Currently contains uses not compatible with the neighborhood.
- Current zoning is LI-NP. Proposed zoning is LI-PDA-NP.
- We propose prohibiting intensive LI uses, limiting ground-floor uses and limiting building height on portions of the property.
- Proposed use is a professional office, which is an allowed use in the LI district.
- Proposed building height is 75 ft (Tract 2) and 60 ft (Tract 1) with proposed FAR 3:1.
- No residential uses will be allowed.

Q: How will compatibility impact the properties to the south?

A: We have taken all your information from you and the client you represent, and we gave that information Heather Chaffin, the zoning planner. She will look at it and get back to let us how and if compatibility standards will apply.

Applicant Summary Letter from Application

February 9, 2023

Amanda Swor
aswor@drennergroupp.com
512-807-2904

DRENNER
GROUP

July 1, 2022

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

Via Electronic Delivery

Re: 4927 E. 5th Street – Zoning and neighborhood plan amendment application for the approximately 1.42-acre property located at 4927 E. 5th Street 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) application packages. The project is titled 4927 E. 5th Street and is approximately 1.42 acres of land, at the southwest corner of 5th Street and Spencer Lane. The Property is located in the full purpose jurisdiction of the City of Austin.

The Property is currently zoned LI-CO-NP (Limited Industrial Services – Conditional Overlay – Neighborhood Plan). The requested rezoning is from LI-CO-NP to LI-PDA-NP (Limited Industrial Services – Planned Development Area – Neighborhood Plan). The Property is currently developed with a basic industry use, locally known as Precision Oxygen & Supply Company.

The purpose of the rezoning is to redevelop the intense industrial site use into a professional office building with ground-floor pedestrian-oriented uses, including clean industrial creative and maker space uses, that support the surrounding neighborhood.

The proposed amendments to the LI base zoning district are to allow for a 3:1 floor to area ratio (FAR), and an increase of height on a portion of the Property to 75 feet. The remainder of the Property shall remain at a 60-foot height maximum, per LI zoning. The restrictions from the Conditional Overlay (“CO”) implemented by the neighborhood plan have been carried over with this LI-PDA-NP request. The proposed amendments to the base zoning development standards and use restrictions are also accompanied with this letter, including an exhibit identifying the height areas as Tracts 1 and 2.

The Property is within the Govalle/Johnston Terrace Neighborhood Planning Area, adopted March 27, 2003. A Neighborhood Plan Amendment (NPA) to the Future Land Use Map is not required for the proposed land use, however when we met with the Neighborhood Contact Team on May 16, 2022, we agreed to change the FLUM designation from Industry to Commercial. Should the Property not be developed with an office use, this change to the FLUM will allow the neighborhood to participate as a stakeholder to any alternatively proposed land uses.

200 Lee Barton Drive, Suite 100 | Austin, Texas 78704 | 512-807-2900 | www.drennergroupp.com

July 1, 2022

Page 2

The Traffic Impact Analysis ("TIA") has been waived until site plan, per the attached TIA determination waiver dated June 24, 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.

Very Truly Yours,



Amanda Swor

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)*

Postponement Requests

On Jan 8, 2023, at 11:21 AM, Daniel Llanes < > wrote:

Heather and Maureen,

Re: **Postponement Request**

Planning Commission 1/10/23 case for 4927 E. Cesar Chavez - C14-2022-0103

Please accept this email on behalf of the Govalle/Johnston Terrace Neighborhood Plan Contact Team. After speaking with the applicant's representatives we are asking for a 2 week

Postponement for the case at

4927 E. Cesar Chavez from the

January 10th meeting to the January 24th meeting.

Amanda please confirm.

Please let me know if you need anything from me regarding this request.

Thank you,

Daniel Llanes, Chair
G/JTNP Contact Team
512-431-9665

.....

**Letter of Recommendation from the Neighborhood
Plan Contact Team (NPCT)**

(No final letter as of January 19, 2023)

.....

From: Daniel Llanes
Sent: Tuesday, January 17, 2023 9:52 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Amanda Swor <aswor@drennergroupp.com>; Drew Raffaele
<draffaele@drennergroupp.com>; Raul Alvarez <>; Chaffin, Heather
<Heather.Chaffin@austintexas.gov>
Subject: Re: G/JT NPCT Rec?: NPA-2022-0016.03_4927 E. 5th St

*** External Email - Exercise Caution ***

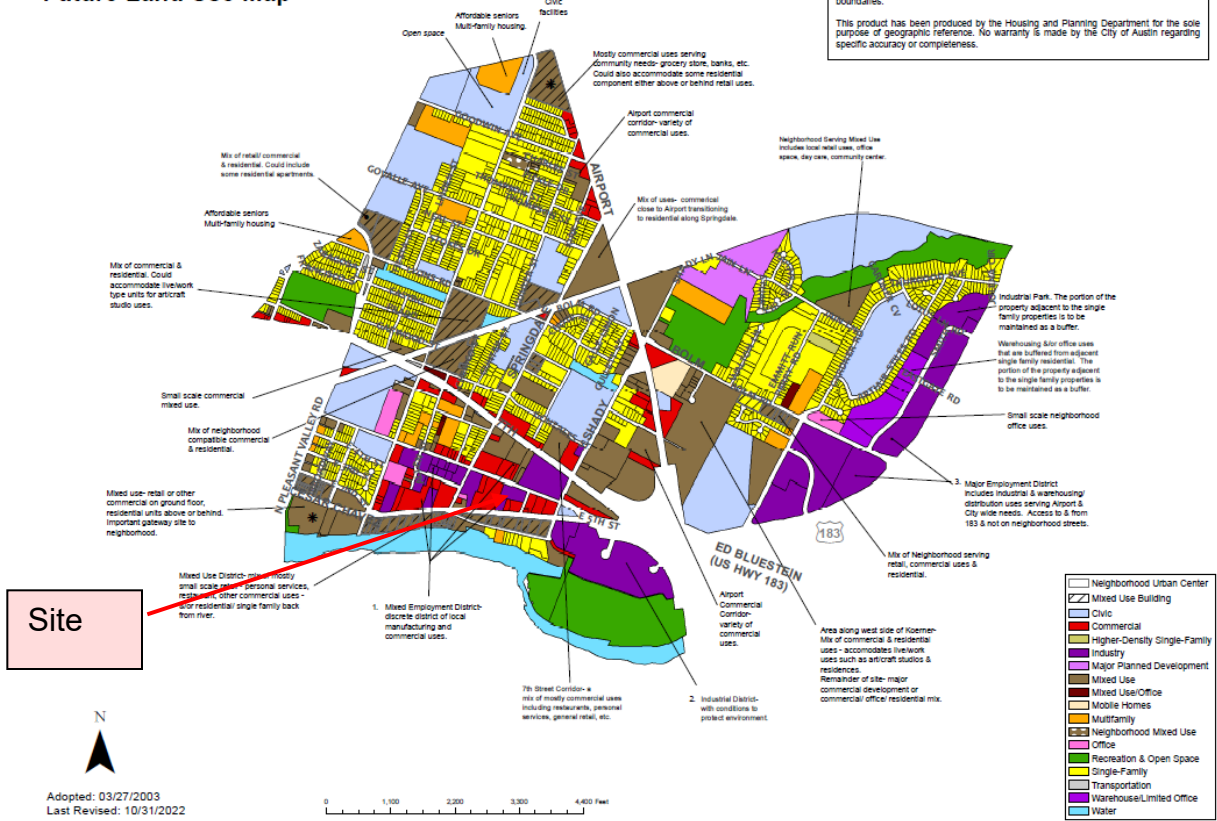
Hi Maureen,

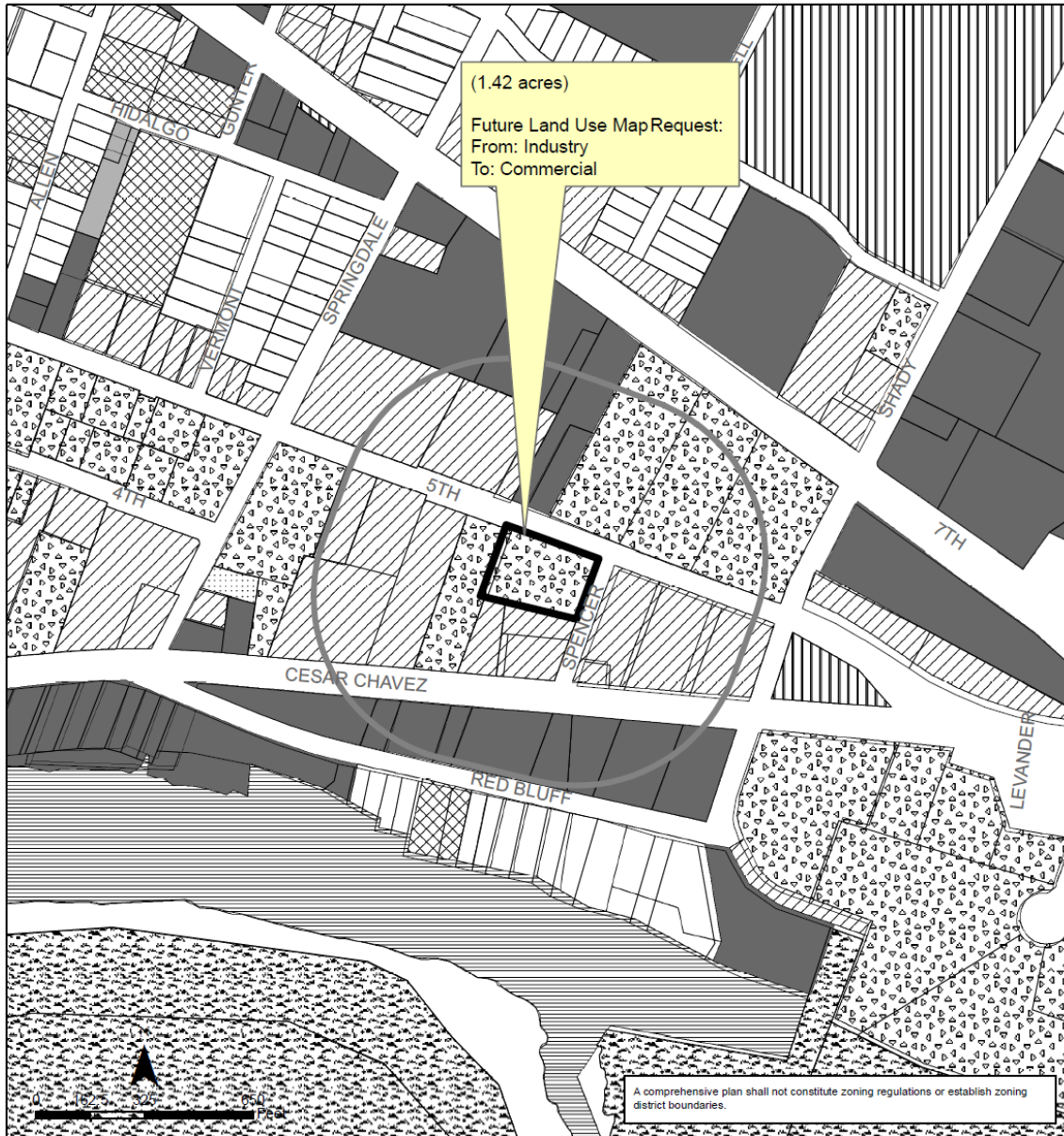
FYI, we are completing our agreement between the applicant and the Contact Team this week, so I don't think we can submit a letter by the end of today, but will have it in within the next couple of days and for sure by the end of the week.

thanks,

Daniel Llanes, Chair
G/JTNP Contact Team
512-431-9665
.....

Govalle / Johnston Terrace Combined Neighborhood Plan Future Land Use Map





Govalle/Johnston Terrace Combined (Govalle) Neighborhood Planning Area **NPA-2022-0016.03**

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.

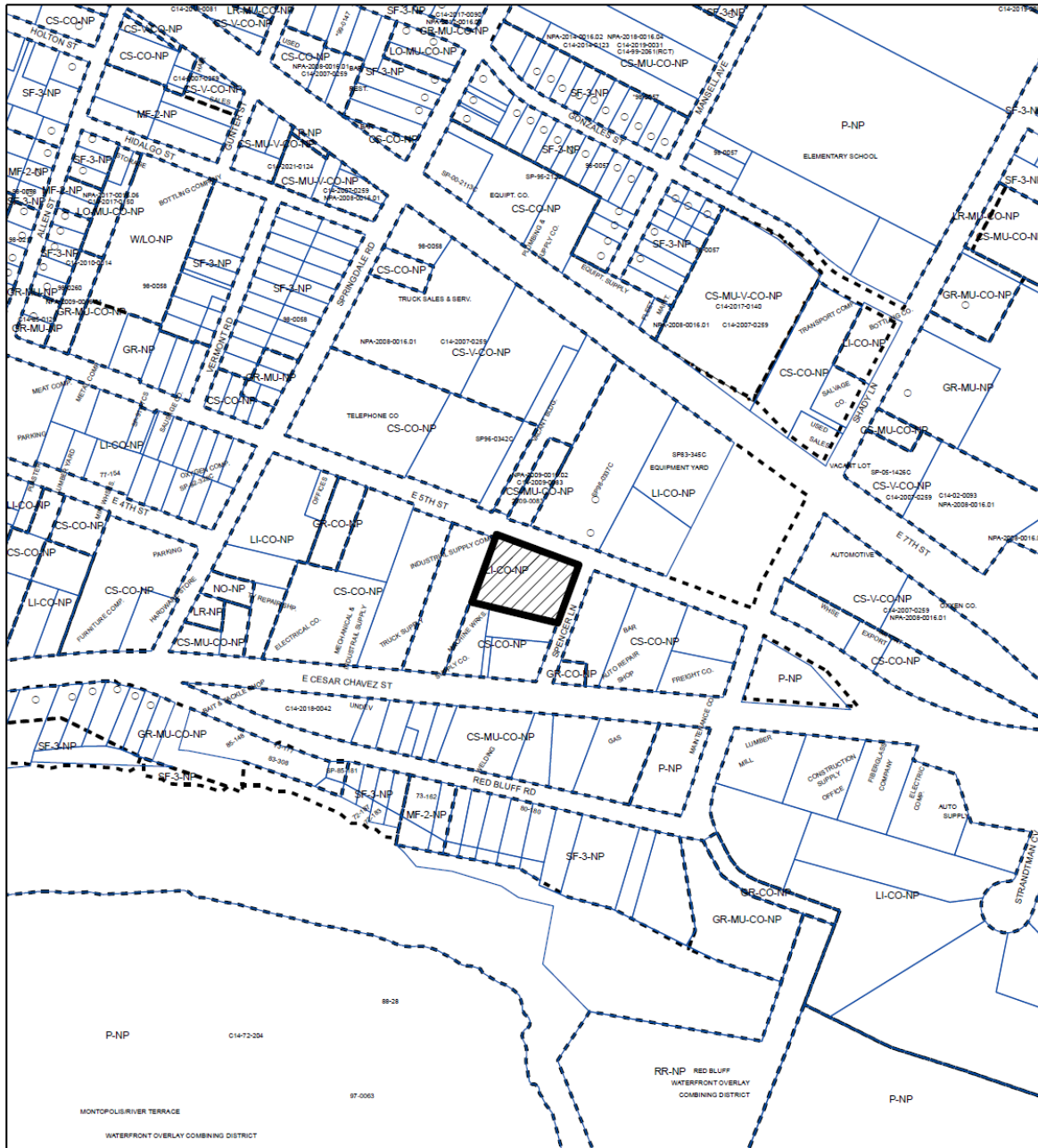
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



City of Austin
Housing and Planning Department
Created on 8/8/2022, by: MeeksS

Future Land Use

Subject Tract	Mixed Use/Office
500 ft. notif. boundary	Multi-Family
Civic	Office
Commercial	Recreation & Open Space
Industry	Single-Family
Mixed Use	Water



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

ZONING

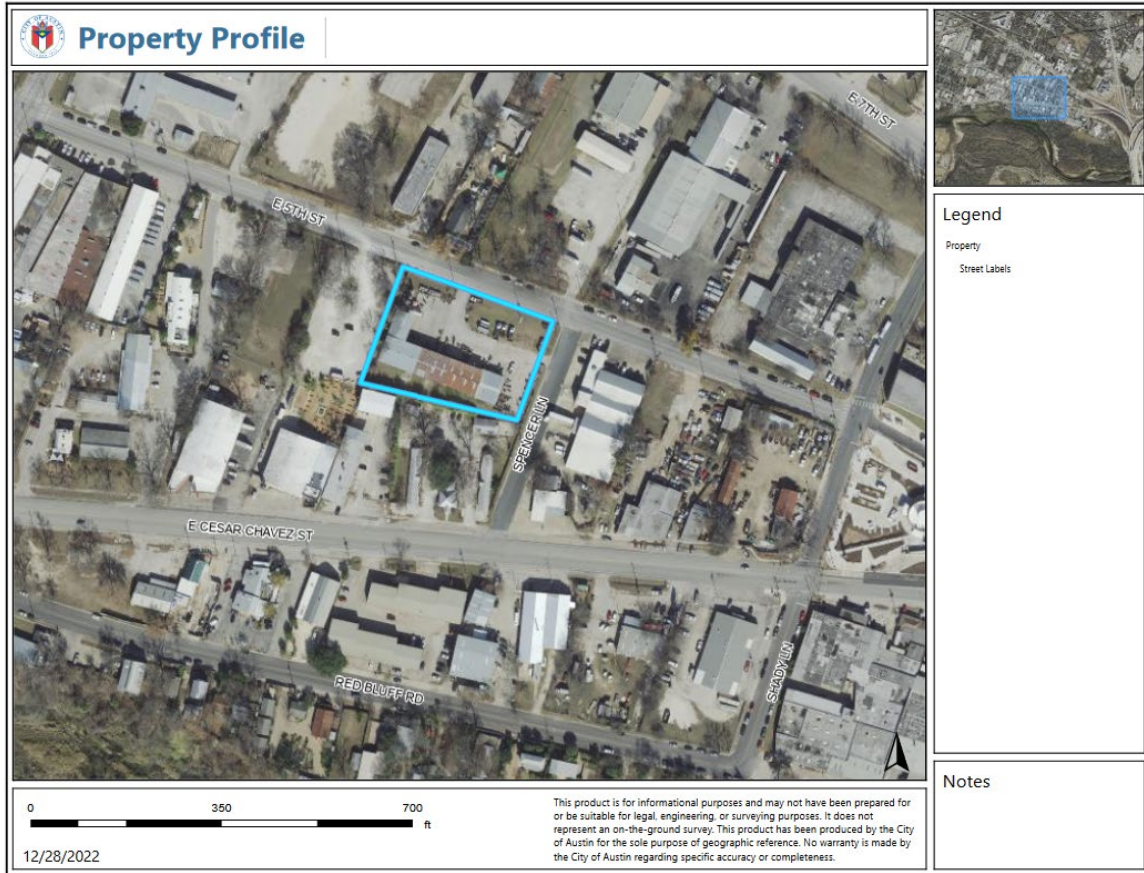
ZONING CASE#: C14-2022-0103

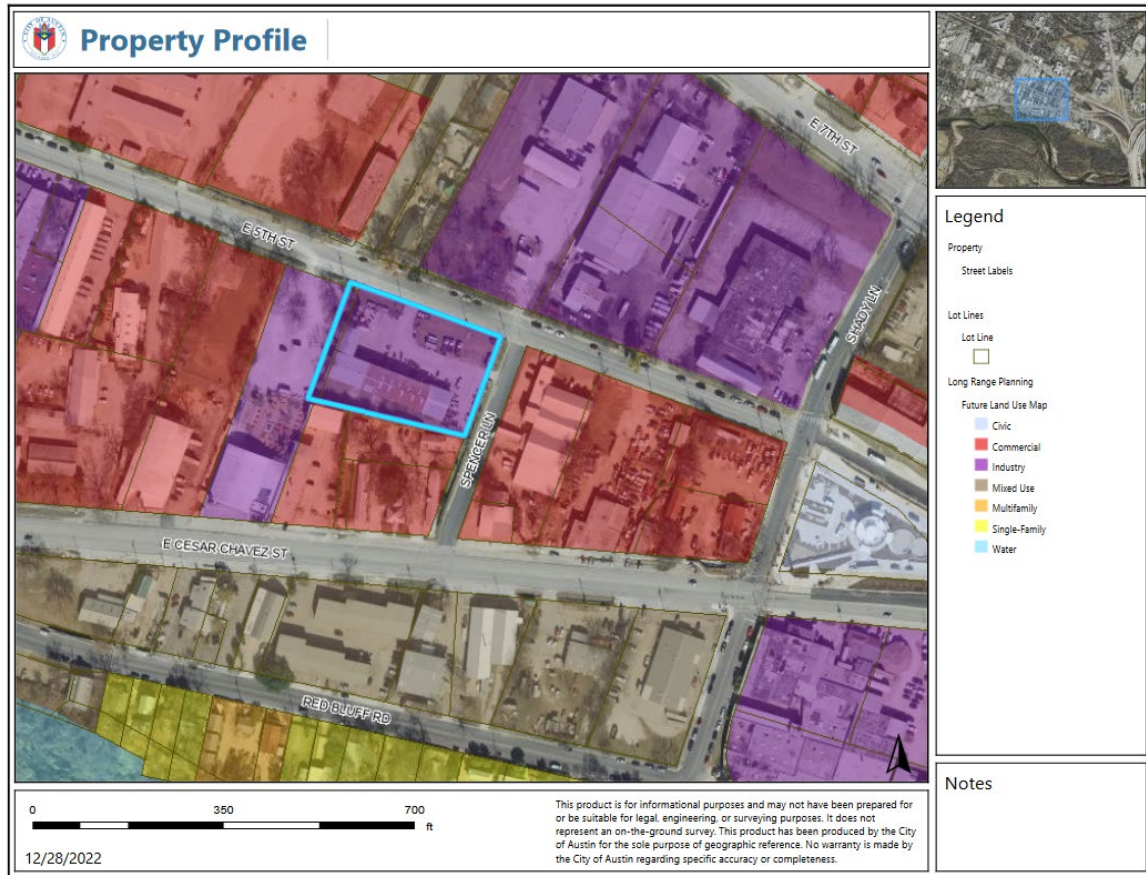
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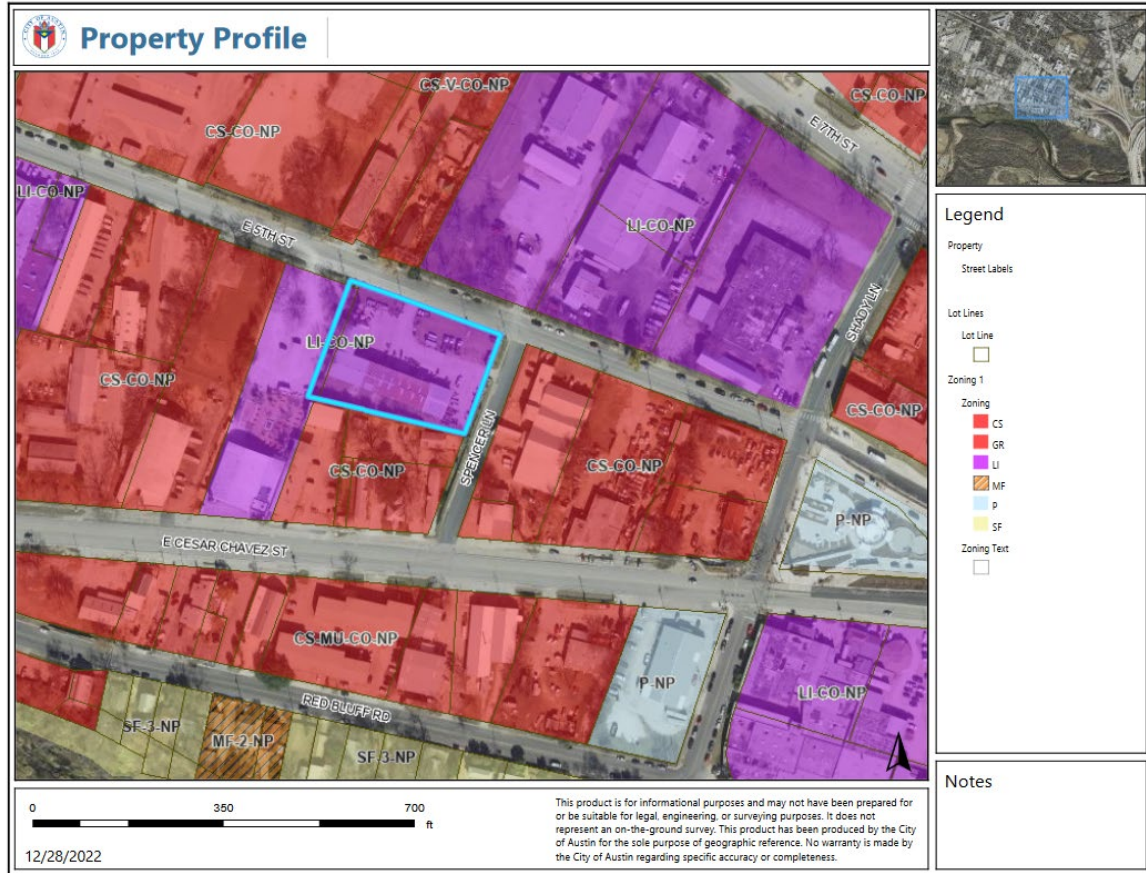
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Created: 7/26/2022





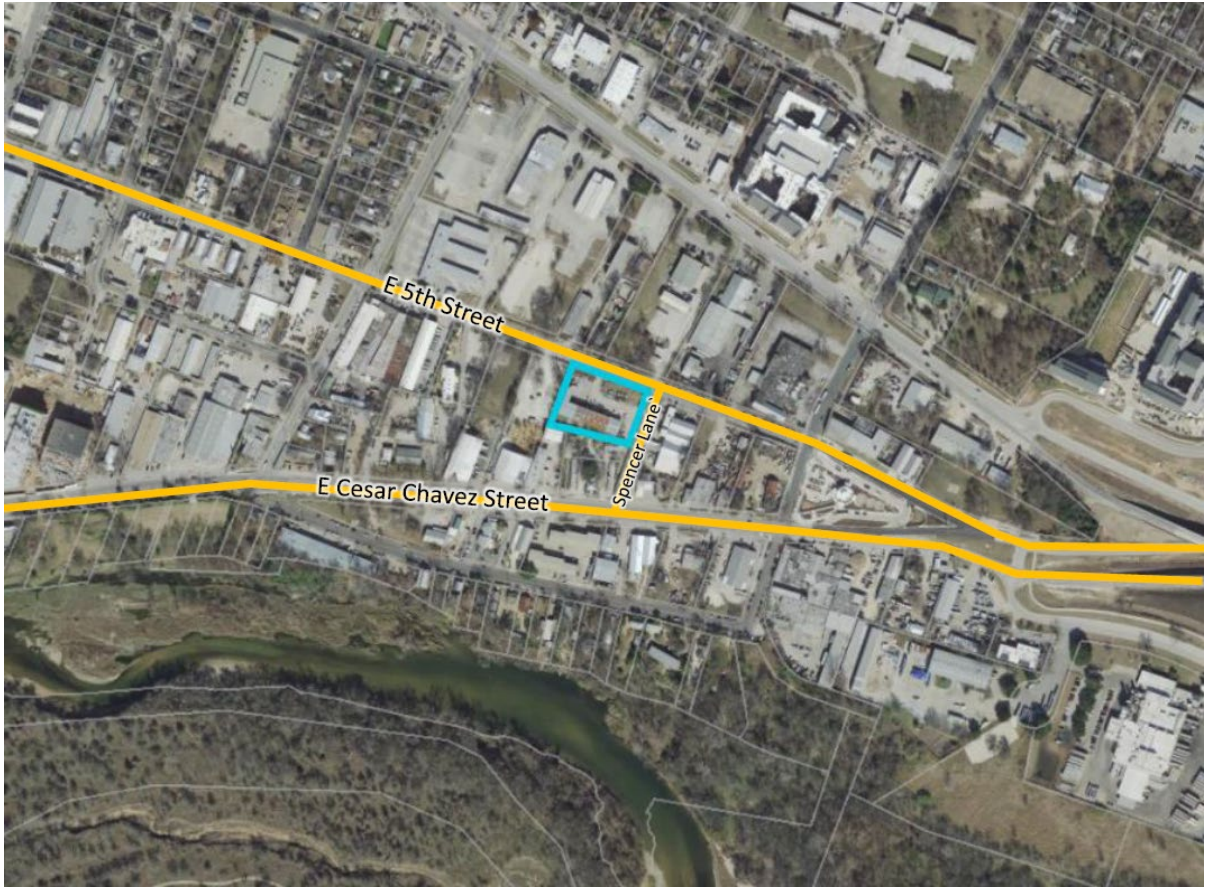


**Applicant's Presentation at the Sept. 14, 2022 NPA
Community Meeting**

4927 E 5th Street

C14-2022-0103 & NPA-2022-0016.03

September 14, 2022





Site Details

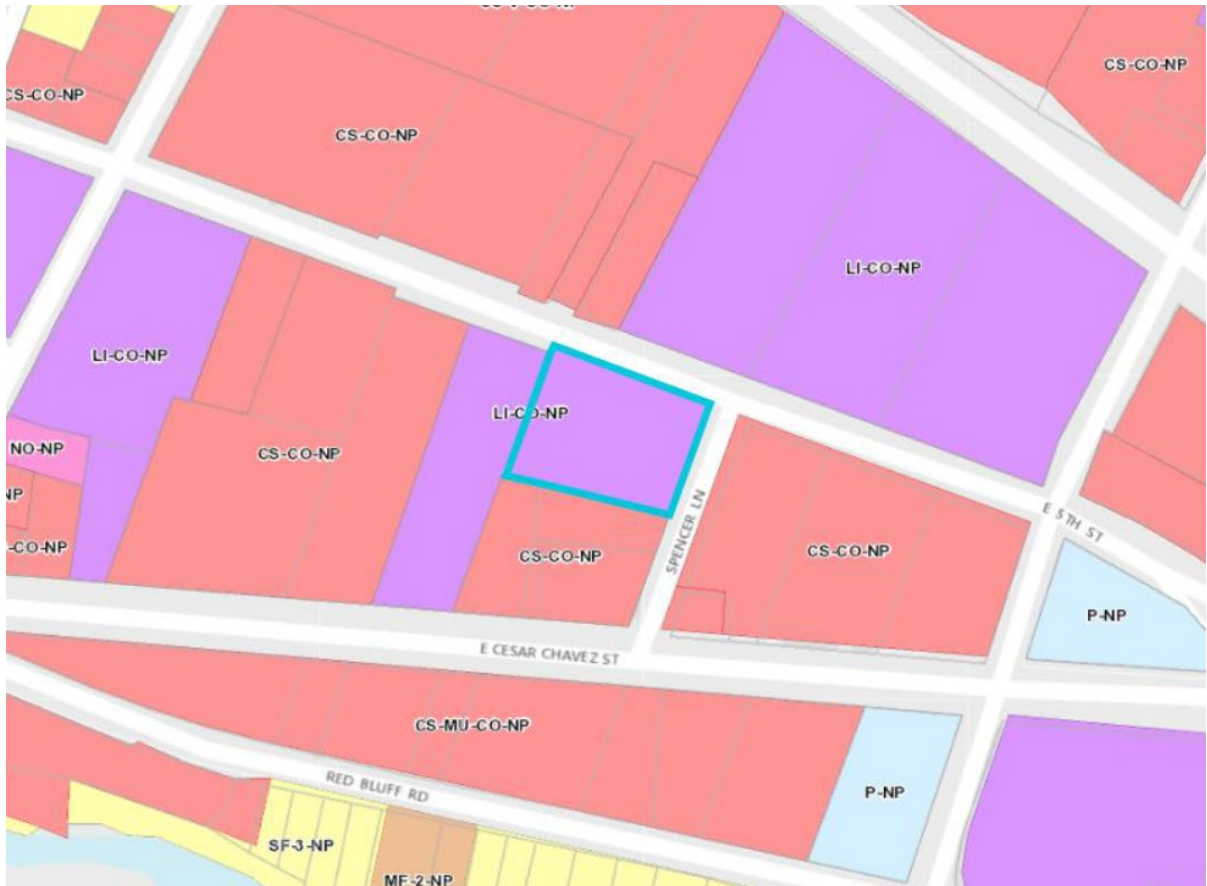
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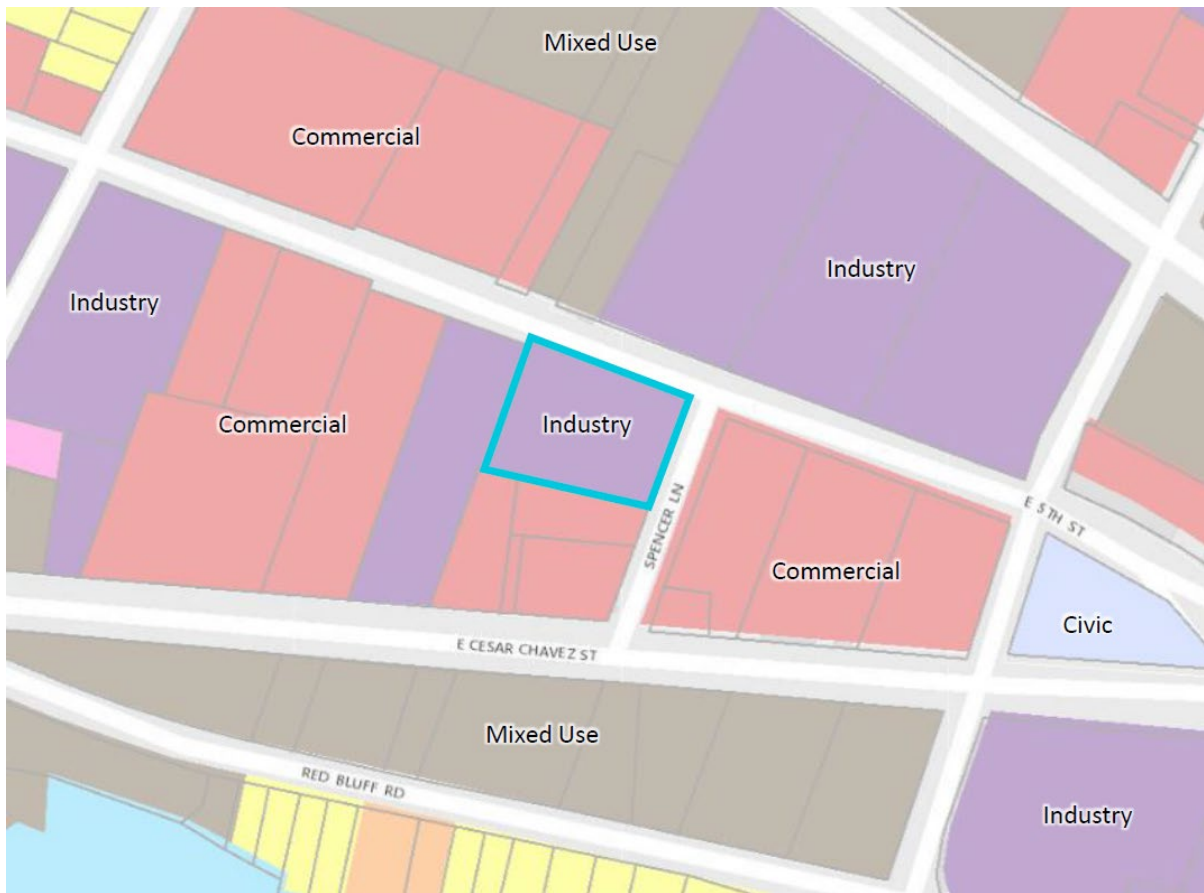
- 1.42 acres

Use:

- Welding Gas Supplier
- Currently contains uses not compatible with the neighborhood.







Current/Requested Zoning

Current:

- Zoning: LI-CO-NP (Limited Industrial Services – Conditional Overlay – Neighborhood Plan)
- FLUM: Industry

Proposed:

- Zoning: LI-PDA-NP (Limited Industrial Services – Planned Development Area – Neighborhood Plan)
 - Propose prohibiting intensive LI uses
 - Propose limiting ground-floor uses
 - Propose limiting height on portions of property
- FLUM: Commercial
 - Requires a NPA if developed with multifamily residential

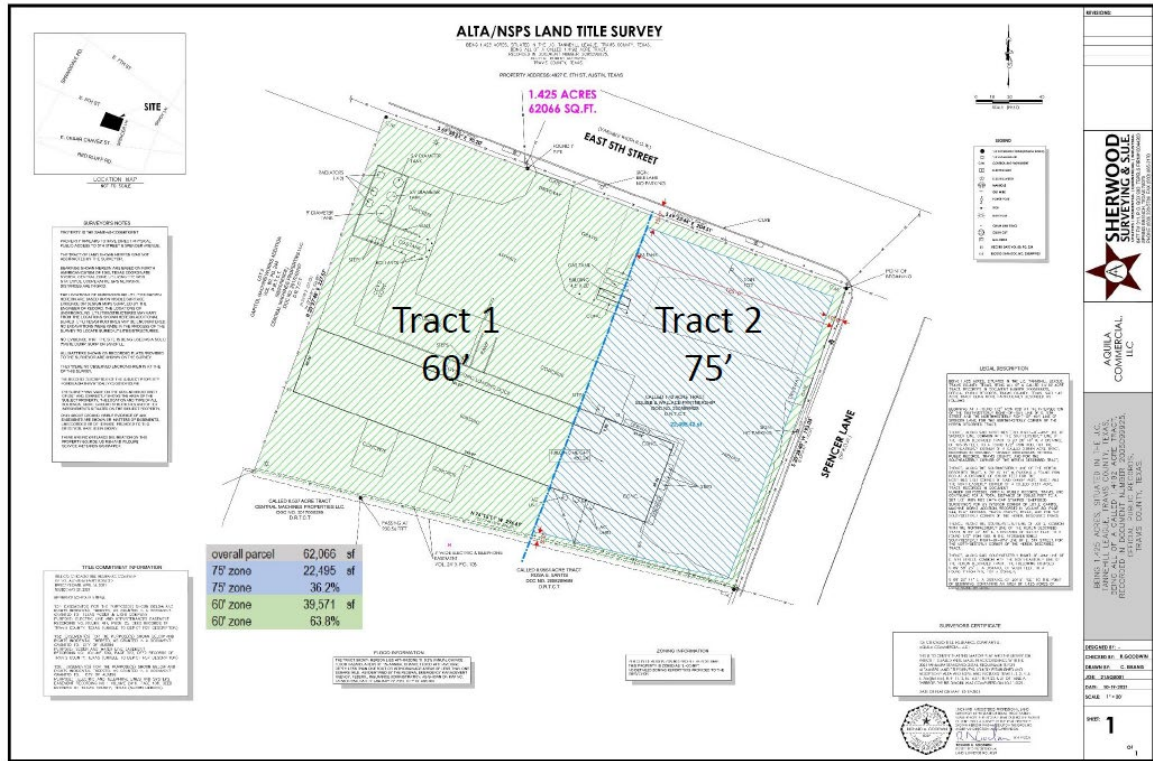
Requested Zoning

Uses:

- Professional Office permitted by-right with LI
- Keeping uses made prohibited and conditional by NP ordinance with LI-PDA-NP request

LDC Modifications:

- Height: 75 feet / 60 feet
- FAR: 3:1 FAR







Timeline

February 2, 2022	Courtesy Meeting G/JT NPCT President
March 15, 2022	G/JT NPCT Subcommittee
April 13, 2022	Daniel & Chief Zoning Officer HPD
May 16, 2022	G/JT NPCT Subcommittee Follow-Up
July 1, 2022	Submitted Zoning & NPA Applications
August 27, 2022	G/JT NPCT Monthly Meeting
September 14, 2022	City Hosted NPA Meeting
October 2022	Planning Commission?
Nov/Dec 2022	City Council?



Correspondence Received

PUBLIC HEARING COMMENT FORM

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

City of Austin
Housing and Planning 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-2022-0016.03

Contact: Maureen Meredith, 512-974-2695 or
Maureen.Meredith@austintexas.gov

Public Hearing: Jan 10, 2023 - Planning Commission

☒ I am in favor
☐ I object

Stephen B. Shellenbross
Your Name (please print)

5000 E. Cesar Chavez
Your address(es) affected by this application

Signature

12/25/22
Date

Comments: We are in development of a new restaurant at 5000 E Cesar Chavez. We are in FAVOR of more commercial development in our area. We hope the city will help address improvements to this area. + Encourage Including more pedestrian paths along Cesar Chavez. Thank you!

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

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Case Number: NPA-2022-0016.03
Contact: Maureen Meredith, 512-974-2695 or
Maureen.Meredith@austintexas.gov
Public Hearing: Jan 10, 2023 - Planning Commission

☒ I am in favor
☐ I object

Wayne Louis, LLC
Robert L. Day, Manager

Your Name (please print)

5016 E Cesar Chavez St Austin, TX 78722

Your address(es) affected by this application

Signature

Date

Comments: That entire area is
in serious need of a
total makeover. This
change will help kickstart the
removal of all of the
eye sores.

12-23-22