

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0020 (Morelos-Webberville CS-1)

DISTRICT: 3

ADDRESS: 2304, 2308, 2312 Morelos Street; 2237 Webberville Road

ZONING FROM: CS-CO-MU-NP

TO: CS-1-CO-NP (the footprint of CS-1 zoning may not exceed 3,500 square feet)

SITE AREA: 0.51 acres (22,327 square feet)

PROPERTY OWNER: Flying X Investments, LLC

AGENT: Thrower Design (Ron Thrower)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends CS-1-CO-NP zoning with conditions. The footprint of CS-1 zoning **may not** to exceed 3,500 square feet.

It is recommended that all the restrictions in Conditional Overlay, established in Ordinance No. 011213-42 for this property remain. This includes the following ***prohibited*** uses: automotive sales, automotive rentals, commercial off-street parking, convenience storage, drop-off recycling collection facility, equipment sales, equipment repair services, campground, vehicle storage, laundry service and pawn shop services. The following are ***conditional*** uses: communications service facilities, building maintenance services, kennels, construction sales and services, limited warehousing and distribution.

PLANNING COMMISSION or ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

September 12, 2023: Case is scheduled to be heard by Planning Commission

CITY COUNCIL ACTION:

None

ORDINANCE NUMBER:

N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The property being considered for rezoning encompasses four single family homes with commercial uses. It has access to Webberville Road to the west and Morelos Street to the south. 7th Street is just to the south, which is an ASMP Level 3 corridor, serviced by the #4 CapMetro Bus. There are two existing

bars on Webberville Road, Kitty Cohen's just to the west, and The Lost Well one block to the northeast. This location is within a 15-minute walk of the proposed green line stop at Pleasant Valley.

BASIS OF RECOMMENDATION:

Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.

The property adjacent to the subject tract to the west has the CS-1 zoning as the applicant is requesting in this case. It is similarly situated and has access to both Webberville Road and Morelos Street. Granting this request would result in an equality treatment of a similarly situated property.

Zoning changes should promote compatibility with adjacent and nearby uses.

The parcel is completely surrounded by properties zoned CS-CO-MU-NP, the current zoning or CS-1-CO-MU-NP. This zoning change would result in siting CS-1 zoning where it is completely insulated from single family and other residential zoning categories. It would also allow an opportunity near transit resources for folks to visit a bar without driving.

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The neighborhood has two bars on the east side of Webberville Road. This is further away from the single-family portion of the Blackshear-Prospect Hill neighborhood to the northwest. Morelos St. provides a place for more intensive uses, away from the neighborhood. There are traffic signals at Morelos St. and E. 7th St. and at Webberville Rd. and E. 7th St. Vehicular traffic can not easily cut through the neighborhood with this section of street grid.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-MU-NP	Four single family home/commercial structures
<i>North</i>	CS-CO-MU-NP	A vacant lot
<i>South</i>	CS-CO-MU-NP	Valero gas station, two auto insurance offices, a thrift shop and a taco truck.
<i>East</i>	CS-CO-MU-NP	A vacant lot
<i>West</i>	CS1-CO-MU-NP and CS-CO-MU-NP	One single family home/commercial, and Kitty Cohen's a 1,048 square foot bar.

NEIGHBORHOOD PLANNING AREA: Central East Austin Neighborhood Combined Planning Area

WATERSHED: Lady Bird Lake Watershed

SCHOOLS: A.I.S.D.

Zavala Elementary School

Martin Middle School

Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Blackshear-Prospect Hill, Central Austin Concerned Architects, Del Valle Community Coalition, East Austin Conservancy, El Concilio Mexican-American Neighborhoods, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Organization of Central East Austin Neighborhoods , Preservation Austin, SELTexas, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0156 (Los Comales)	Rezone approximately 0.27 acres from CS-MU-CO-NP to CS-1-MU-CO-NP.	02.09.2010 PC: The motion to approve staff's recommendation to deny the request for CS-1-CO-MU-NP zoning; was approved by Commissioner Danette Chimenti's motion, Commissioner Kathryne Tovo second the motion on a vote of 5-3; Commissioners Mandy Dealey, Benjamin DeLeon and Dave Anderson voted against the motion (nay); Commissioner Jay Reddy was absent.	05.13.2010: a motion to deny the rezoning was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
C14-2019-0074 (2202 Webberville Rd)	Rezone approximately 0.7267 acres from CS-MU-CO-NP to CS-MU-V-CO-NP	06.11.2019 PC: To grant CS-MU-V-CO-NP on consent, motion by Vice-Chair Kenny, seconded by Commissioner Azhar on a vote of 13-0.	06.20.2019: Approved CS-MU-V-CO-NP on Council Member Pool's motion, Council Member Harper-Madison's second on a 10-1 vote. Council Member Flannigan voted nay.
C14-2021-0011 (712 & 714 Pedernales St.	Rezone approximately 0.344	06.08.2021 PC: Motion by	07.29.2021: Ordinance No.

and 2409 Coronado St.)	acres from SF-3-NP to CS-MU-NP.	Commissioner Cox, seconded by Commissioner Llanes Pulido to grant GR-MU-CO-NP combining district zoning approved on a vote of 11-0. Commissioners Flores and Shieh absent. Conditions: - Property is limited to LR zoning district uses. - Restaurant uses are conditional uses of the Property	20210729-0138 for community commercial-mixed use-conditional overlay neighborhood plan (GR-MU-CO-NP) combining district zoning, with the following conditions that restaurant general and restaurant limited be permitted uses, not conditional uses, was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.
C14-2009-0041 (Central East Austin VMU Building (V) Zoning Opt-In/Opt-Out Process)	Request to add (V) zoning to selected tracts in the VMU overlay district.	08.25.2009 (PC): N/A	09.24.2009: Approved Ordinance 20090924-092 for V (7-0) on consent on Council Member Shades' motion, all 3 readings.

RELATED CASES:

N/A

ADDITIONAL STAFF COMMENTS:Urban Design

UD1: The properties 2237 Webberville Road, 2304 Morelos Street, 2308 Morelos Street, and 2312 Morelos Street are included in the Central East Austin Neighborhood Plan. Urban Design does not have any 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. 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.

PARD – Planning & Design Review

PR1: Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. As of January 1, 2023, new commercial uses are subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan

No comments

Austin Transportation and Public Works

ATD 1. A transportation assessment/traffic impact analysis shall be required at the time of site plan if triggered, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

EXISTING STREET CHARACTERISTICS:

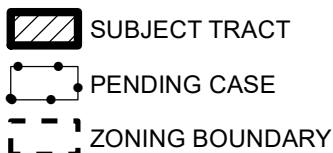
Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Morelos Street	Level 1	58'	60'	27'	No	No	Yes
Webberville Road	Level 1	58'	60'	40'	Yes	Yes	Yes

Austin Water Utility

No comments

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Correspondence from Interested Parties

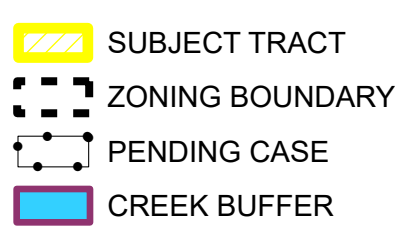


ZONING CASE#: C14-2023-0020



This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 2/24/2023



ZONING CASE#: C14-2023-0020
LOCATION: 2304, 2308, 2312 Morelos St;
2237 Webberville Rd
SUBJECT AREA: 0.51 Acres
GRID: K21
MANAGER: Jonathan Tomko



Created: 3/14/2023

February 7, 2023

Mrs. Joi Harden
Interim Zoning Officer
City of Austin, Housing & Planning Department

RE: Rezoning – 2304, 2308, 2312 Morelos St. & 2237 Webberville Rd.

Dear Ms. Harden,

On behalf of the property owner of the above reference's properties, we submit the rezoning application herein. The property is in the City of Austin full purpose jurisdiction and collectively, is approximately a half-acre, east of the intersection of Morelos Street and Webberville Road. The land area is comprised of 4 tax parcels, represented by a portion of Lots 1 & 2, and all of Lots 3 & 4 of Block 6, of Lincoln Place a subdivision of Outlots 23 & 23-1/2, Division A, City of Austin. The tracts are individually and legally described as follows:

- **2237 Webberville Road:** N45FT LOT 1-3 BLK 6 OLT23&231/2 DIV A LINCOLN PLACE
- **2304 Morelos Street:** S105FT OF E40FT OF LOT 2 & s105FT OF W5FT OF LOT 3 BLK 6 OLT 23&231/2 DIV A LINCOLN PLACE
- **2308 Morelos Street:** S105FT OF E40FT OF LOT 3 BLK 6 OLT 23&231/2 DIV A LINCOLN PLACE
- **2312 Morelos Street:** LOT 4 BLK 6 OLT 23&231/2 DIV A LINCOLN PLACE

The properties are in the Central East Austin Planning Area and have a Future Land Use designation of *Mixed Use* and has *CS-CO-MU-NP* zoning designations. The request is to rezone only the base zoning district of the properties from *CS* to *CS-1*. The property will retain the *CO-MU-NP* overlays. The rezoning is specifically sought to accommodate a commercial liquor sales use. The *CS-1* zoning district is permitted in the *Mixed Use* FLUM category and therefore does not require a Neighborhood Plan Amendment.

The lot is currently developed with 3 single family homes, some of which will be repurposed for commercial use. The *CS-1* zoning district is consistent and compatible with the zoning of all immediately adjacent and surrounding properties that have either *CS-1* or *CS* base district zoning. The rezoning will allow for the desired use and is conducive to providing a variety of neighborhood services, within walking distance, and on an Imagine Austin Activity Corridor, an ASMP Transit Priority Network and the Project Connect "Cross Town Route."

Thrower Design respectfully requests a favorable recommendation, and we are available for questions or discussion as needed.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a wavy line at the end.

Victoria Haase

Email from Matthew Mielcarek to Heather Chaffin
Friday, March 31, 2023 8:51 AM

Hi Heather,

My family is writing to express opposition to the proposed rezoning of **2304, 2308, & 2312 Morelos Street and 2237 Webberville Road** from a general commercial services district to a commercial liquor sales district.

We have been long-term residents of this community and have seen firsthand the benefits of a family-friendly residential neighborhood. Our community is a safe and welcoming place for people of all kinds and our are concerned that the rezoning of these properties would have a negative impact.

We are particularly concerned about the potential increase in traffic, noise, and disturbance that would result from the rezoning. The addition of more establishments that sell alcohol would attract more people to the area, which would lead to an increase in traffic and noise. This would make it difficult for families to enjoy their homes and would create a safety hazard for children. I am also concerned about the potential for alcohol-related crime to increase in the area.

I urge you to reject the proposed rezoning of 2304, 2308, & 2312 Morelos Street and 2237 Webberville Road. The potential negative impacts to our neighbors outweigh any potential benefits. Thank you for your time and consideration.

Regards,

Matthew Mielcarek
2204 East 9th Street
Austin TX 78702

Email from Matthew Mielcarek to Jonathan Tomko
Wed 9/6/23 10:10am

Hi Jonathan,

I received your notice of public hearing for rezoning and wanted to resubmit a note regarding my family's opposition...

My family is writing to express opposition to the proposed rezoning of **2304, 2308, & 2312 Morelos Street and 2237 Webberville Road** from a general commercial services district to a commercial liquor sales district.

We have been long-term residents of this community and have seen firsthand the benefits of a family-friendly residential neighborhood. Our community is a safe and welcoming place for

people of all kinds and our are concerned that the rezoning of these properties would have a negative impact.

We are particularly concerned about the potential increase in traffic, noise, and disturbance that would result from the rezoning. The addition of more establishments that sell alcohol would attract more people to the area, which would lead to an increase in traffic and noise. This would make it difficult for families to enjoy their homes and would create a safety hazard for children. I am also concerned about the potential for alcohol-related crime to increase in the area.

I urge you to reject the proposed rezoning of 2304, 2308, & 2312 Morelos Street and 2237 Webberville Road. The potential negative impacts to our neighbors outweigh any potential benefits. Thank you for your time and consideration.

Regards,

Matthew Mielcarek
2204 East 9th Street
Austin TX 78702