

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0018.SH

DISTRICT: 3

ADDRESS: 701 Tillery Street

ZONING FROM: SF-3-NP

TO: CS-MU-CO-NP

SITE AREA: 1.18 acres (approximately 51,400 sq. ft.)

PROPERTY OWNER: 3423 Holdings, LLC (Ben Barlin)

AGENT: Capital A Housing (Conor Kenny)

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

STAFF RECOMMENDATION:

Staff recommends general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning of this tract. Staff recommends carrying forth all conditional overlays that apply to the adjacent parcel to the west.

The following uses are prohibited: automotive rentals, automotive repair, automotive sales, automotive washing of any type, equipment sales, kennels, pawn shop services, and vehicle storage.

The following uses are conditional: agricultural sales and services, construction sales and services, limited warehousing and distribution, building maintenance services, laundry services, and equipment repair services.

PLANNING COMMISSION or ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

September 12, 2023: Case approved on consent motion by Vice Chair Hempel, seconded by Commissioner Azhar, unanimous.

CITY COUNCIL ACTION:

October 19, 2023: Case is scheduled to be heard by City Council

ORDINANCE NUMBER:

N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently landlocked with no road access. It currently contains no development; however, the applicant seeks to rezone this parcel so they can redevelop the property with the property to the west, which already has CS-MU-CO-NP zoning and does have road access along Tillery to the west.

BASIS OF RECOMMENDATION:**Zoning should allow for reasonable use of the property.**

Currently the property is not usable as there is no road access to it. A reasonable use of the property may include extending the zoning from any of the surrounding properties and combining the parcel with that property so that it can benefit from road access.

Zoning should promote clearly identified community goals, such as creating employment opportunities or providing for affordable housing.

This rezoning would promote clearly identified community goals by creating income restricted affordable housing in an area that is currently under substantial displacement pressure as measured by UT's Uprooted Study. Unlocking inaccessible, vacant land for the development of income restricted affordable housing would be a good use of that land, and support community values.

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

City Council has sought more opportunities for income-restricted affordable housing, establishing 10-year housing goals in the Austin Strategic Housing Blueprint. This rezoning would support those goals by leveraging land to encouraging the development of income-restricted affordable housing.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Vacant lot with no road access, encumbered by Boggy Creek to the north, railroad tracks to the east and south by a variety of commercial development
<i>North</i>	SF-3-NP (across Boggy Creek)	8 single family homes and one vacant lot
<i>South</i>	SF-3-NP (across railroad tracks)	Vacant lot, one single family home
<i>East</i>	P-NP (across railroad tracks)	Austin Police Department Springdale Station
<i>West</i>	CS-MU-CO-NP	East Side Succulents, Tillery Street Plant Co., Native Grocery, and 701 Tillery Street (a small business office park) to the west

NEIGHBORHOOD PLANNING AREA: Govalle/Johnston Terrace (Govalle) Neighborhood Planning Area

WATERSHED: Boggy Creek Watershed

SCHOOLS: A.I.S.D.

Govalle Elementary School

Martin Middle School

Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, East Austin Conservancy, El Concilio Mexican-American Neighborhoods, Friends of Austin Neighborhoods, Govalle Neighborhood Association, Govalle/Johnston Terrace Neighborhood Plan Contact Team, Guadalupe Neighborhood Development Corporation, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Preservation Austin, SELTexas, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0183	Govalle Johnston Terrace Combined Neighborhood Plan	02.23.03: N/A	05.08.2003: Approved Ordinance No. 030508-26 on Council Member Alvarez' motion and Council Member Wynn's second on 7-0 vote.
C14-2018-0093 (1103 Cherico Street)	Applicant proposed to rezone 0.5114 acres from SF-3-NP to SF-5-NP	Case was withdrawn by Applicant on 03.28.2019	N/A
C14-2021-0098.SH (Rogers Neighborhood)	Applicant proposed to rezone 1.17 acres from SF-3-NP to SF-6-NP	Case was withdrawn by Applicant on 07.08.2021	N/A
C14-2017-0090. SH (Springdale Arts)	Applicant proposed to rezone 3 parcels from SF-3-NP to GR-MU-NP	12.12.2017 PC: Motion by Commissioner Anderson, seconded by Commissioner Schissler to grant GR-MU-CO-NP combining district zoning, with additional conditions, was approved on a vote of 12-0. Commissioner Angela De Hoyos Hart absent.	02.01.2018: First Reading Approved 02.15.2018: 2 nd and 3 rd Readings Approved on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.
C14-2019-0031 (Springdale Farms)	Applicant proposed to rezone 4.85 acres from CS-MU-CO-NP to CS-MU-CO-NP	07.09.2019 PC: Approved on the consent agenda on the motion by Commissioner Seeger, seconded by Commissioner	08.08.2019: approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 9-0 vote. Mayor Pro Tem Garza

		Schneider on a vote 11-0. Commissioners Howard and Llanes-Pulido absent.	and Council Member Alter were off the dais. Council Member Flannigan made a motion to remove restrictions. The motion failed.
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RELATED CASES:

None

ADDITIONAL STAFF COMMENTS:Environmental:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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. 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 a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated because there is a Critical Water Quality Zone within 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: Residential units that are certified affordable under the SMART Housing Policy are exempt from the parkland dedication requirements per City Code § 25-1-601(C)(3). Parkland dedication will be required for any new market-rate residential units that may be proposed by this development, mixed use mid-rise multifamily with CS-MU-CO-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. PARD would consider a trail along Boggy Creek as part of the dedication requirement, if applicable. Please contact this reviewer to discuss opportunities for Boggy Creek: thomas.rowlinson@austintexas.gov

At the applicant's request, PARD can provide an early determination of parkland dedication requirements.

Site Plan:

SP1. The applications lists 101 units and SMART housing letter lists 120. Once the unit count is determined, if it's different from 120 you'll need to get an updated SMART housing letter during site plan review.

SP2. Owner on tax certificate and application do not match, please provide the deed with current owner for site plan review.

SP3. There do not appear to be any previous site plans on the subject property.

Austin Transportation Department – Engineering Review:

ATD 1. The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for Tillery Street. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for Tillery Street according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 2. There is a proposed Urban Trail adjacent to this site, along the southern property boundary along the railroad (Mokan Corridor Trail). The easement required is a minimum of 20 ft as this allows for a 12 ft trail (minimum trail width per the urban trails plan) and room for maintenance activity. This is the same for Tier I and Tier II trails.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Tillery Street	Level 2	72'	54'	36'	No	Yes	Yes

TIA: Deferred to the time of Site Plan

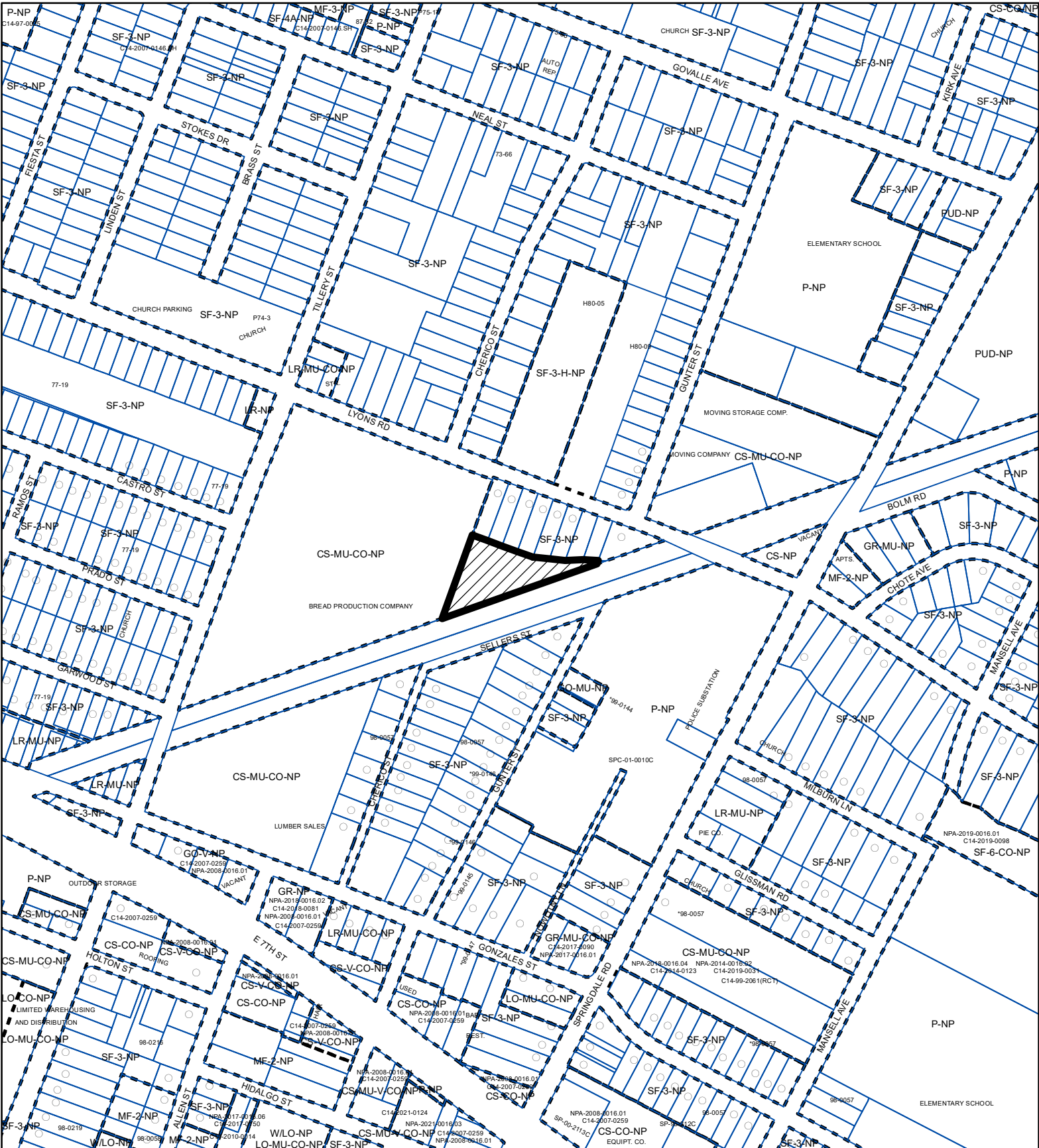
Austin Water Utility:

AW1. No comments on zoning change.

AW2. 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. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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 AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Correspondence from Interested Parties



ZONING

ZONING CASE#: C14-2023-0018.SH

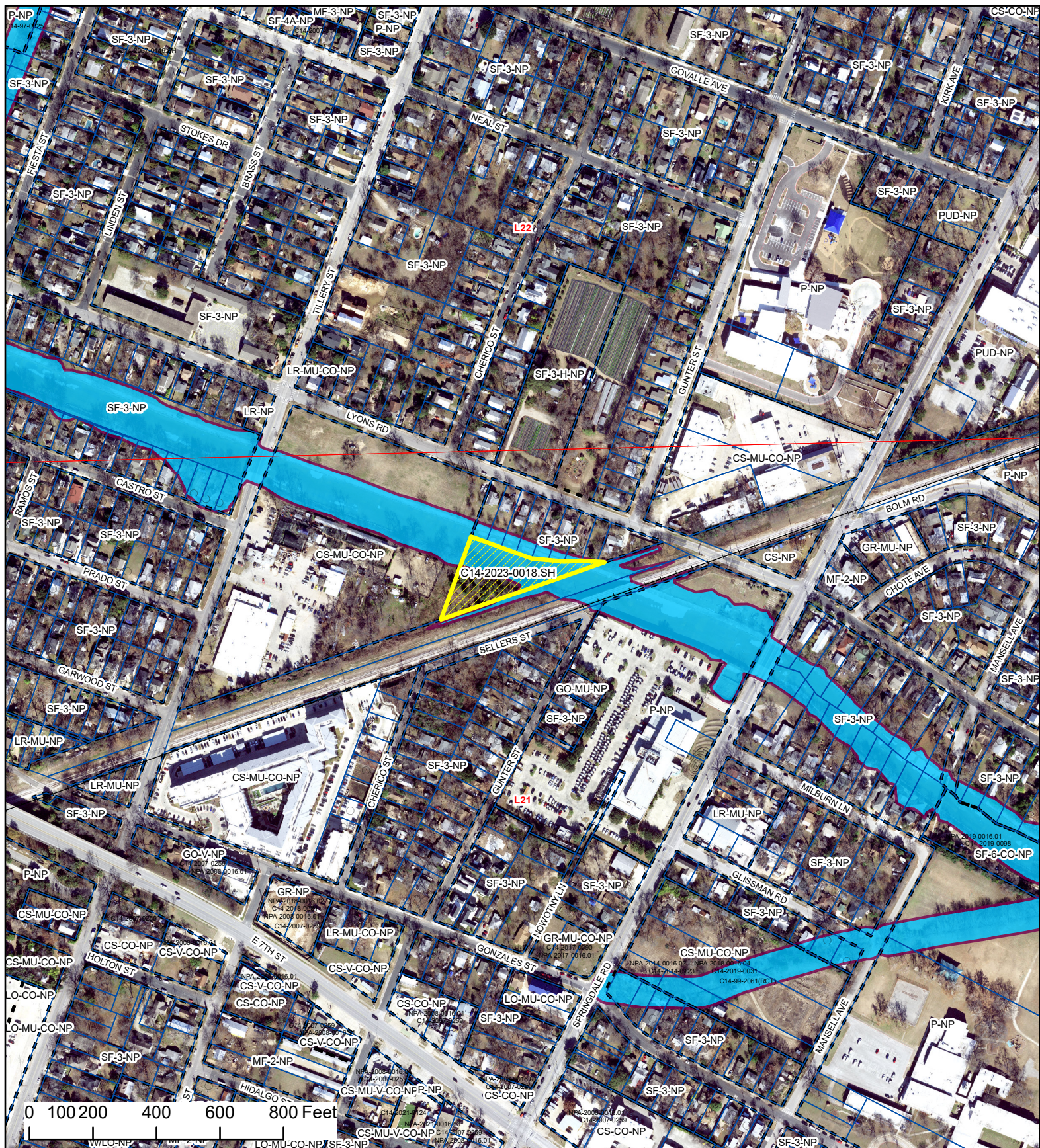
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY







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Created: 2/21/2023



The Works III at Tillery

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

ZONING CASE#: C14-2023-0018.SH
 LOCATION: East of 701 Tillery St
 SUBJECT AREA: 1.18 Acres
 GRID: L21
 MANAGER: Jonathan Tomko



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Created: 3/14/2023

Email

Received March 9, 2023 5:35PM

To: Heather Chaffin

From: Patrick Pestorius

Hello Heather,

I'm writing with regard to zoning change application C14-2023-0018.SH. I just spoke with Ben Barlin at 3432 Holdings LLC. This is not a CS General Commercial Services request in my opinion. This entity proposes a housing complex for young adults who are aging out of the foster care community. This application is NOT indicative of the intent and I question the longevity and integrity of such an organization. If this is an endeavor of Youth Works, the application notice should indicate as much. This filing sows profound suspicion on my part. There is already a refuge outreach center on Gunter Street which is a densely populated collection of houses. Casa Marinella serves an indigent refuge population in 5 homes on Gunter and Sellers Streets. Foot and automobile traffic from this is overwhelming. Adding an additional at risk population to this area destabilizes the neighborhood which has struggled with poverty and instability for decades. Please keep me posted on this application as a person of interest. I own property on Gunter street.

Best regards,

Patrick