

**ZONING CHANGE AND NEIGHBORHOOD PLAN AMENDMENT  
REVIEW SHEET**

**CASE#:** NPA-2007-0003.01 and C14-2007-0136

**PC DATE:** January 15, 2008

**ADDRESS:** 1309 Chicon Street

**AREA:** 15,602 sq. ft.

**APPLICANT/AGENT:** Jonathan Jensen

**ZONING FROM:** From: LR-NP      **To:** GR-MU-CO-NP

**LAND USE FROM:** Commercial    **TO** Mixed Use

**STAFF RECOMMENDATION:**

1) Staff recommends approval Community commercial-mixed use - conditional overlay-neighborhood plan (GR-MU-CO-NP)

The conditional overlay would :

1. Limit the total daily vehicle trips to less than 2000 daily trips
2. Prohibit the following uses:
  - Automotive Rentals
  - Automotive Repair Services
  - Automotive Sales
  - Automotive Washing of any type
  - Bail Bond Services
  - Consumer Repair Services
  - Day Care Services - Commerical
  - Day Care Services -- General
  - Day Care Services -- Limited
  - Drop-Off Recycling Facility
  - Exterminating Services
  - Funeral Services
  - Hospital Services - General
  - Hospital Services - Limited
  - Indoor Sports and Recreation
  - Medical Offices - of any type
  - Outdoor Entertainment
  - Pawn Shop Services
  - Plant Nursery
  - Residential Treatment
  - Service Station

2) Staff recommends approval of the requested change on the Future Land Use Map from Commercial to Mixed Use

**PLANNING COMMISSION RECOMMENDATION:**

**January 15, 2008:** Approved GR-MU-CO-NP and Mixed Use Land Use on consent (9-0).

**DEPARTMENT COMMENTS and BACKGROUND:**

The requested Neighborhood Plan amendment is associated with zoning Case #C14-2007-0136. The property owner is requesting a change in zoning from LR-NP to GR-MU-CO-NP (Neighborhood Commercial Neighborhood Plan to Community Commercial Mixed Use Conditional Overlay Neighborhood Plan) to build a mixed use building with commercial and

residential uses. The Neighborhood Plan amendment request is to change the future land use designation from Commercial to Mixed Use.

This plan amendment request was filed in cycle. No letter of exception was required.

The Chestnut Addition Neighborhood Association (CANA) supports the applicant's request for a plan amendment for mixed use. A letter of support of is attached. Members of the Chestnut Planning Contact Team registered with the City are also members of CANA. This organization serves as the planning contact team for the Chestnut Neighborhood Planning area.

**NEIGHORHOOD PLAN:** The Chestnut Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on December 7, 2000. The boundaries of the planning area are: Martin Luther King Blvd. to the north, East 12<sup>th</sup> Street to the south, Chicon Avenue to the west and Miriam Avenue to the railroad tracks to the east.

**TIA:** A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR-NP	Undeveloped
<i>North</i>	SF-3-NP	Single family homes
<i>South</i>	CS-MU-CO-NP	Vacant building
<i>East</i>	SF-3-NP	Single family homes
<i>West</i>	SF-3-NP	Undeveloped lot and duplex

**WATERSHED:** Boggy Creek

**NEIGHBORHOOD ORGANIZATIONS:**

- Chestnut Addition Neighborhood Assn. (C.A.N.A.)
- Rosewood Neighborhood Planning Team
- Martin Luther King Jr./Airport Blvd. Sector
- Sentral Plus East Austin Koalition (SPEAK)
- Mueller Neighborhoods Coalition
- Austin Neighborhoods Council
- PODER People Organized in Defense of Earth & Her Resources
- Home Builders Association of Greater Austin
- Homeless Neighborhood Organization

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**SCHOOLS:**

Cambell Elementary

Kealing Middle

McCallum High

**ABUTTING STREETS:**

Name	RO W	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
E 14 <sup>th</sup> St	60'	28'	Collector	Yes	Rts 48 & 55	21 Exposition
Chicon	62'	40'	Collector	Yes		22 Chicon

**CITY COUNCIL DATE:**

**ACTION:**

January 31, 2008:

**ORDINANCE READINGS:**

1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**NEIGHBORHOOD PLANNING CASE MANAGER:** Maureen Meredith

**PHONE:** 974-2695

**Email:** [maureen.meredith@ci.austin.tx.us](mailto:maureen.meredith@ci.austin.tx.us)

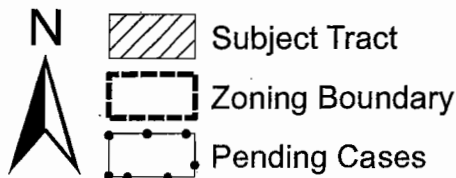
**ZONING CASE MANAGER:** Robert Heil

**PHONE:** 974-2330

**E-mail:** [robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)



# ZONING

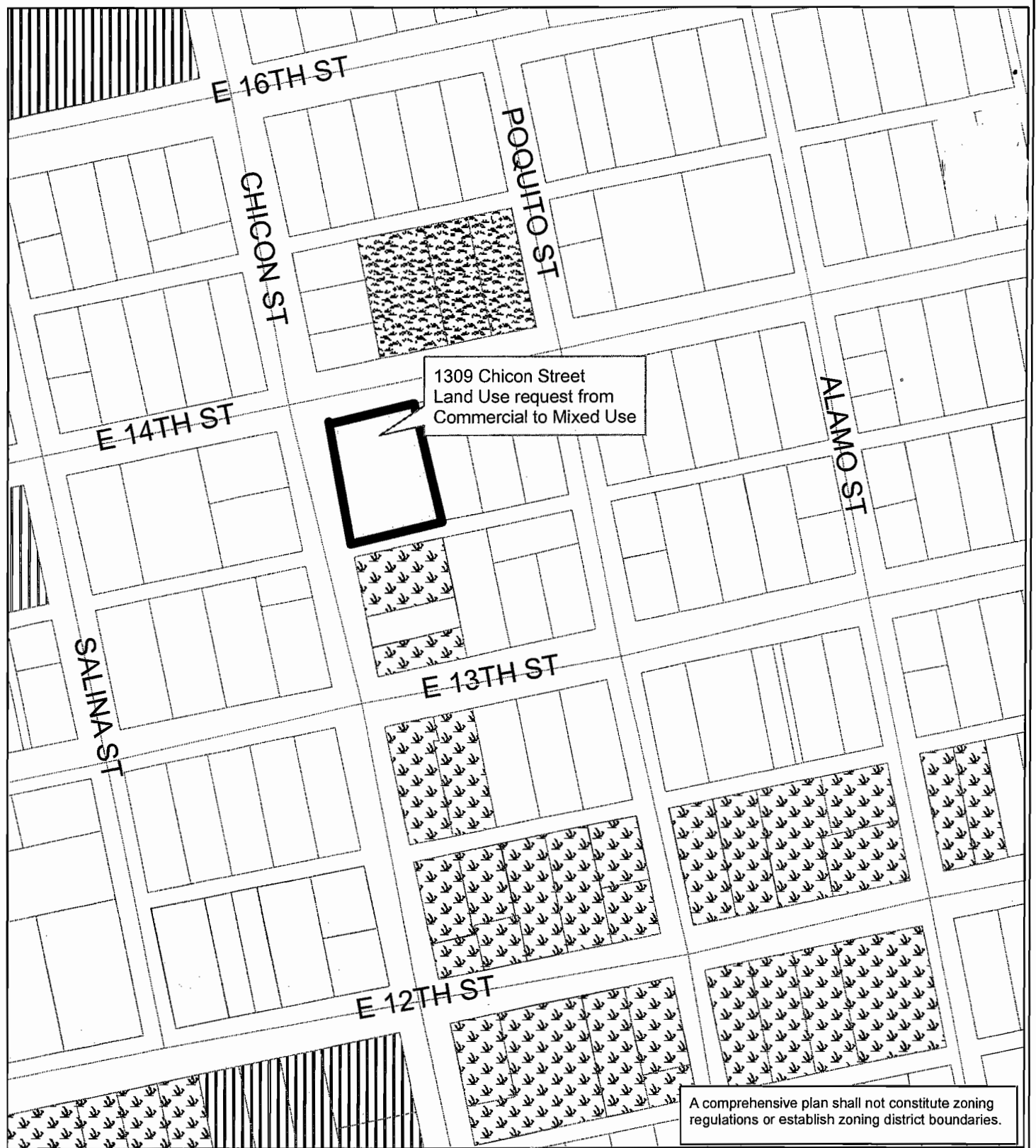


**ZONING CASE#: C14-2007-0136**  
**ADDRESS: 1309 CHICON ST**  
**SUBJECT AREA: 0.358 ACRES**  
**GRID: K23**  
**MANAGER: R. HEIL**



1" = 400' OPERATOR: SM

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

## Chestnut Neighborhood Plan Neighborhood Plan Amendment Case# NPA-2007-0003.01

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

December 18, 2008 (MM)

200 100 0 200 Feet

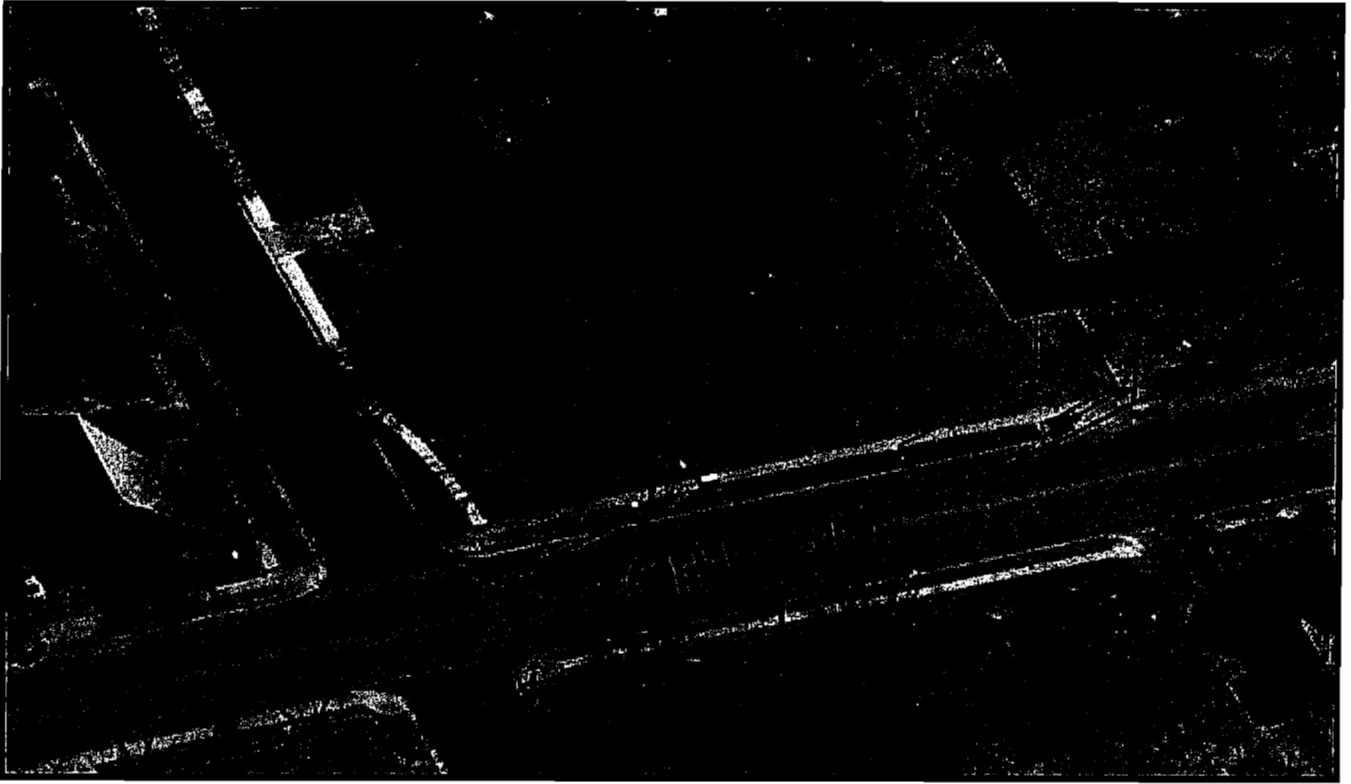


### Future Land Use

	Single-Family		Mixed Use
	Higher-Density Single-Family		Civic
	Multi-Family		Recreation & Open Space
	Commercial		



For the best possible print results, click the printer icon on the Live Search Maps page.



## **SUMMARY STAFF RECOMMENDATION:**

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2) Staff recommends approval of the requested change on the Future Land Use Map from Commercial to Mixed Use

## **BASIS FOR RECOMMENDATION:**

Community commercial-mixed use with a conditional overlay to limit incompatible uses will allow the development of a neighborhood serving commercial services and / or additional residential units.

The applicant's request for mixed use supports the following plan Goals and Objectives:

Goal One: Revitalize the historic, residential and pedestrian-friendly character of Chestnut.

Objective 1.2: Encourage compatible infill development

Objective 1.5: Establish compatible mixed-use corridors along the neighborhood's edge.

18. Apply mixed use zoning overlay to the commercial corridors of the Chestnut neighborhood.

Goal Two: Improve the environmental quality of the Chestnut Neighborhood

Objective 2.2: Clean and maintain alleys, streets and vacant lots.

Goal Three: Promote the rehabilitation of existing housing and new, infill housing compatible with the old style of this neighborhood.

Goal Four: Improve the business climate of the Chestnut Neighborhood

Objective 4.3: Attract new residents and businesses.



### **Site Plan**

The site is subject to compatibility standards along all property lines except the southern line of the lot, as it is adjacent to many SF-3-NP zoned lots. Compatibility Standards are applicable to all property adjoining or across the street from a lot zoned or used as a SF-5 or more restrictive or within 540 feet from a lot zoned SF-5 or more restrictive. For large sites (site that have a street frontage that exceeds 100 ft – Section 25.2.1063) -

Along the east property line, the following standards apply:

- No structure may be built within 25 feet of the property line of the adjacent single family lot,
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line of the adjacent single family lot.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line of the adjacent single family lot.
- No parking or driveways are allowed within 19 feet of the single family property line, due to the site width to be approximately 107'. (Section 25-2-1067-H)

Additional design regulations will be enforced at the time a site plan is submitted.

Along the north and west property lines, the following standards apply:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line of the adjacent single family lot. FYI - Right of Way between the subject lot and the SF lots across the street measures to be 60'.

Additional design regulations will be enforced at the time a site plan is submitted.

The front and side yard setbacks, on the north and west of your property will be dictated by the site's proposed zoning, which is 10' for GR, unless the proposed Conditional Overlay states differently.

Development on this lot will be subject to Subchapter E: Design Standards and Mixed Use.

### **Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Environmental**

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.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Water and Wastewater**

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.



Chestnut Neighborhood Plan  
Proposed FLUM Amendment from Commercial to Mixed Use  
Tuesday, October 17, 2007  
David Chapel Missionary Baptist Church  
6:30 p.m. – 7:30 p.m.

The meeting began at approximately 6:55 p.m.

Ten people signed in, in addition to Maureen Meredith, Principal Planner, City of Austin, and Jonathan Jensen, plan amendment applicant.

Maureen Meredith welcomed the attendees and stated that the meeting was to discuss the proposed amendment to the future land use map from commercial (red) to mixed use (brown). She then introduced Jonathan Jensen as the applicant and asked him if he would like to make a presentation to the group.

Jonathan began by stating that the previous owner of the property planned to build a Mexican restaurant on the property; consequently during the neighborhood planning process the previous owner requested LR zoning with a commercial land use, even though the land use to the south of the property is mixed use and the majority of the land uses along the Chicon Street corridor down to E. 12<sup>th</sup> Street is designated mixed use on the future land use map.

An attendee stated that the current zoning is LR and whether Jonathan was simply asking for the MU designation. Jonathan responded that he was also asking for a zoning change to GR with the MU designation.

There was a brief discussion about the plan amendment process, which staff explained to the group.

Attendees discussed the Chestnut Neighborhood's VMU application in which this property was not designated as possible VMU, but the neighborhood could request that this property be added to the VMU application.

Someone asked the Jonathan if he had a site plan. Jonathan responded that he would like to know what the neighborhood did not want and he would work with them on this.

Jonathan stated that he wishes to work with the neighborhood. He pointed out that if he were not interested in improving the area and working with the

neighborhood that he could just built something that was already allowed in the LR zoning without consulting the neighborhood and he could make a quicker turn on his investment than if he requested a zoning change.

The stakeholders stated that they supported his request to amend the FLUM from commercial to mixed use, but they pointed out that it would leave a small sliver of commercial on a tract to the south.

An attendee asked at what time in the neighborhood planning process will the neighborhood get a chance to talk about the proposed zoning change. Jonathan said he would be willing to meet with them to discuss his zoning change with them.

An attendee stated that the neighborhood did not want applicants' changing things. Others agreed with this statement. An attendee mentioned that when Jonathan built the duplexes (to the west and south of the current subject property on Chicon Street) he told the neighborhood association that he would live in one the duplexes, but in fact he does not. They asked him if he still owns the duplexes. Jonathan stated that he owns the duplexes, but he does not to live in them because of problems with broken windows.

An attendee stated that when the neighborhood was designating VMU on Chicon Street, they recognized improvements are needed to the properties on the other side of Chicon Street. If properties were developed with a mix of residential and commercial uses, then they believe that the commercial businesses would improve because people living above the businesses would force the business owners to improve their property.

The attendees stated that they do not want Jonathan to put only single family homes on the property.

The people at the meeting stated that they will work with Jonathan to set up a meeting to discuss the zoning case.

Attendees at the meeting to a vote whether to approve the plan amendment from commercial to mixed use on the FLUM. Approval of the change was unanimous.

**From:** stevenaleman@earthlink.net [mailto:stevenaleman@earthlink.net]  
**Sent:** Wednesday, October 24, 2007 3:36 PM  
**To:** Meredith, Maureen  
**Cc:** marianj.barber@mail.utexas.edu; swallaceis@austin.rr.com  
**Subject:** Re: Fwd: NPA-2007-0003.01 at 1309 Chicon Street

Maureen -- FYI, yesterday evening CANA held its regular monthly meeting and approved our committee's recommendation to support Mr. Jensen's proposed amendment to the future land use map. It is our understanding that further steps will occur in the process as Mr. Jensen pursues his project. The vote last night was limited to the land use map amendment. Please feel free to contact us if you need any further information. Steven Aleman, CANA member