

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-2010-0014 / Leija Villa

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 3306 East 5<sup>th</sup> Street from GR-NP (Community Commercial – Neighborhood Plan) and SF-3-NP (Family Residence – Neighborhood Plan) district zoning to GR-MU-CO-NP (Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan) for Tract 1, and SF-3-CO-NP (Family Residence – Conditional Overlay – Neighborhood Plan) district zoning for Tract 2. On Tract 1 and Tract 2, the Conditional Overlay would limit vehicle trips to less than 2,000 per day.

**PROPERTY OWNER:** The Lunaire Group, LP (Dr. Graciela Leija)

**AGENT:** Cuatro Consultants, Ltd. (Hugo Elizondo, Jr., P.E.)

**ISSUES:** Transportation Staff has further evaluated the need for right-of-way dedication at the zoning stage and agreed to defer the requirement to the site plan stage.

The Govalle/Johnston Terrace Neighborhood Planning Team has provided a letter of support for the proposed rezoning, which is attached to the back of the staff report.

**DEPARTMENT COMMENTS:**

The 1.048-acre site is currently zoned GR-NP (Community Commercial – Neighborhood Plan) and SF-3-NP (Family Residence – Neighborhood Plan). Its location is on East 5<sup>th</sup> Street one block east of Allen Street. The site lies within the Govalle / Johnston Terrace Combined Neighborhood Plan and is surrounded by undeveloped land and a single family residence to the north, warehouse and distribution, commercial and office uses to the south, multifamily and single family residences to the east and a gravel lot, storage, and warehouse and distribution uses to the west.

The subject property is currently undeveloped. The applicant is requesting to rezone the southern portion of the tract (0.583 acres) to GR-MU-NP in order to build affordable residential units, a medical office and medical spa. The applicant states that this area of East Austin is medically underserved, and is confident that the Govalle Neighborhood will benefit from the construction of a new primary care medical office. The northern portion of the tract (0.465 acres) will remain SF-3-NP, but the size of the area is reduced.

The staff recommendation is to approve the requested zoning change because it allows for reasonable use of the property. Additionally, the rezoning provides a better transition to the residential uses to the north and east.

**DATE OF FIRST READING/VOTE:** April 29, 2010

**ACTION:** The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning

district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2 with conditions was approved.

**CITY COUNCIL DATE:** October 28, 2010

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Joi Harden

**PHONE:** 974-2122

**EMAIL:** joi.harden@ci.austin.tx.us

- East River City Citizens

**SCHOOLS: (AISD)**

- Brooke Elementary School
- Martin Middle School
- Eastside Memorial Green Tech High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0003 618 Tillery Street (THOMAS CALHOON (CITY INITIATED))	LI to CS-MU-CO	8/6/2002 APVD W/LO-CO (6-1, AA-NO)	Withdrawn – deferred to be rezoned with neighborhood plan amendment
C14-98-0219 601-607 Tillery Street (PETE RUIZ, ROSIE MONTTOYA, GLORIA GARCIA & WILLIAM ZAMARRIPA)	LI to SF-3	1/19/99: APVD STAFF REC OF SF-3 (9-0)	9/30/99: APVD SF-3 2ND/3RD RDGS (7-0)
C14-98-0218 507 Tillery Street (SANTIAGO DUARTE)	LI to SF-3	1/19/99: APVD STAFF REC OF SF-3 (9-0)	9/30/99: APVD 2ND/3RD RDGS (7-0)
C14-98-0058 500 - 564 Block of Tillery Street (ALLEN-TILLERY STREET AREA) *WITHDRAWN*	LI to SF-3	6/9/98: CASE WITHDRAWN BY PC (8-0) – Will be rezoned with the Neighborhood Plan.	
C14-98-0217 600 Allen Street (ISABEL RAMOS)	LI to SF-3	1/19/99 APVD STAFF REC OF SF-3 (9-0)	9/30/99: APVD 2ND/3RD RDGS (7-0)
C14-98-0216  3211 Holton Street AMARO TRINIDAD, MARTA MURIETA, JULIO & ISABEL TERAN	LI to SF-3	1/19/99: APVD STAFF REC OF SF-3 (9-0)	9/30/99: APVD 2ND/3RD RDGS (7-0)
C14-98-0259 603 Allen Street (GRACIELA VILLARREAL)	LI to SF-3	1/19/99: APVD STAFF REC OF SF-3 (9-0)	9/30/99: APVD 2ND/3RD RDGS (7-0)
C14-98-0260 507 Allen Street (SOCORRO CARRASCO)	LI to SF-3	1/19/99: APVD STAFF REC OF SF-3 (9-0)	9/30/99: APVD 2ND/3RD RDGS (7-0)

**RELATED CASES:** The Govalle/Johnston Terrace Combined rezonings were approved by Council on March 27, 2003 and designated this property as GR-NP and SF-3-NP (C14-02-0183). A Neighborhood Plan Amendment to change the FLUM designation from Commercial and Single Family to Mixed Use is also in process (NPA-2009-0016.01).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
East 5 <sup>th</sup> Street	60'	40'	Collector	2,138 (COA, 03/24/03)

- There are no existing sidewalks along East 5th Street.
- According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or proposed along the adjoining streets as follows:

Street Name	Existing Bicycle Facility	Proposed Bicycle Facility
East 5 <sup>th</sup> Street	Bike Lane	Bike Boulevard

- Capital Metro bus service (route nos. 4 and 482) is available along East 7th Street.

**CITY COUNCIL DATE:**

April 29, 2010

**ACTION:**

The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining zoning district for Tract 1 and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining zoning district for Tract 2 with conditions was approved.

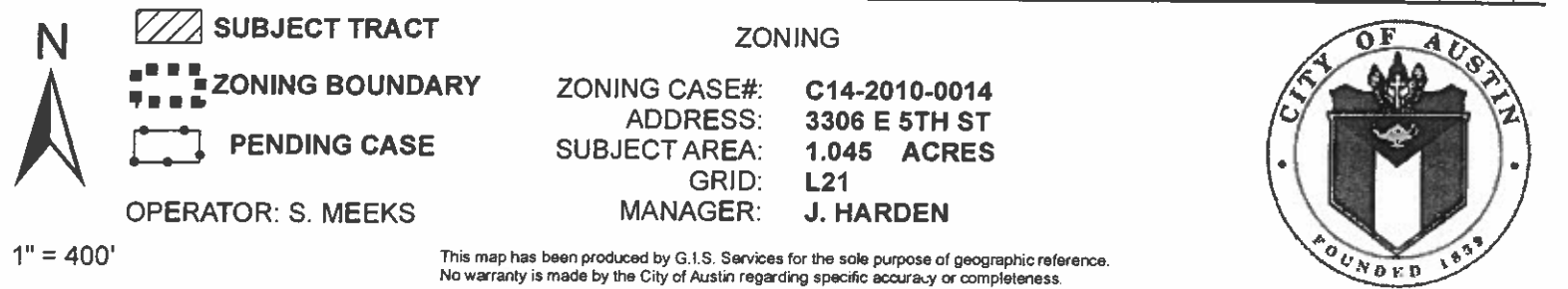
October 28, 2010

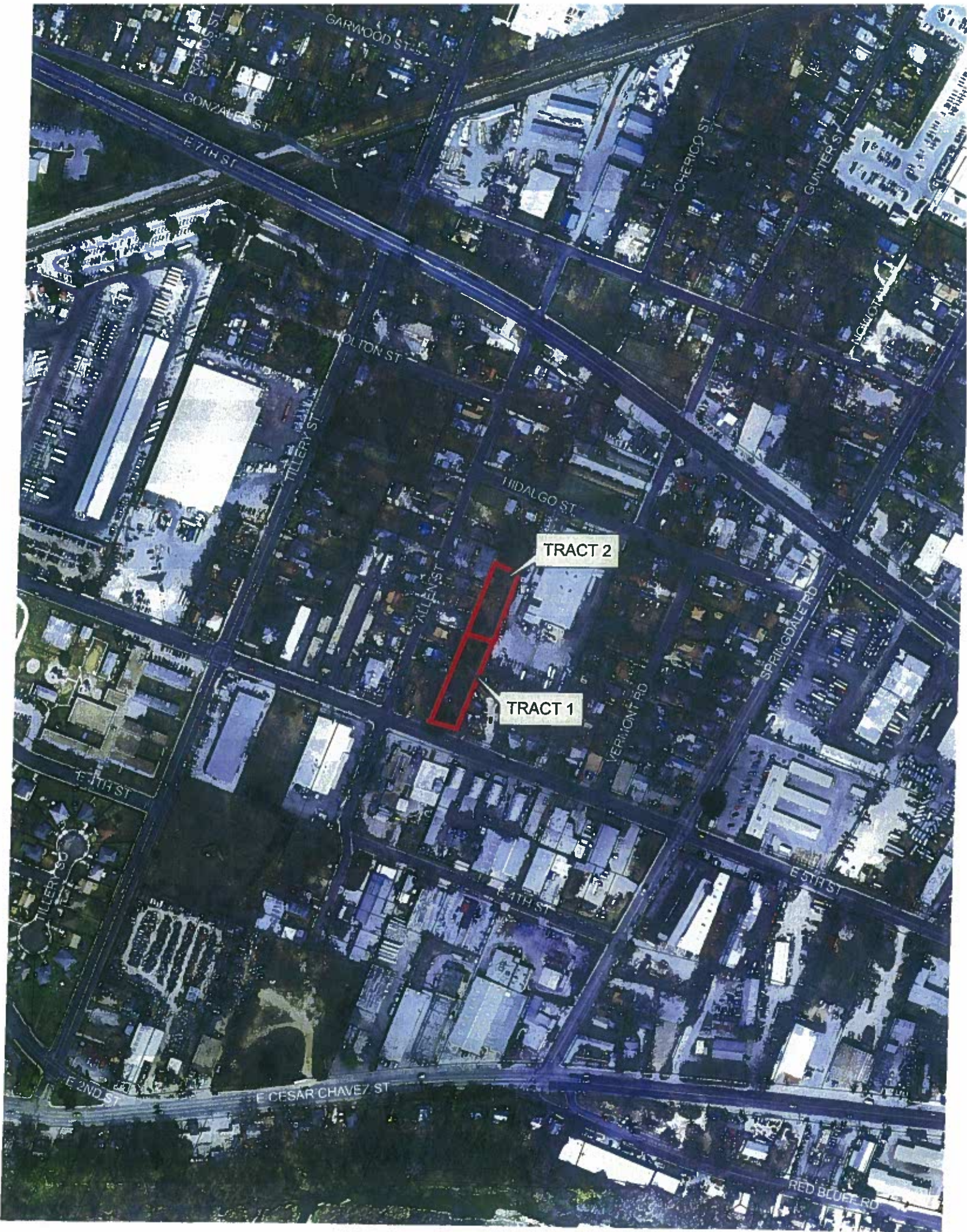
**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**ZONING CASE MANAGER:** Joi Harden

**PHONE:** 974-2122 **E-MAIL:** joi.harden@ci.austin.tx.us





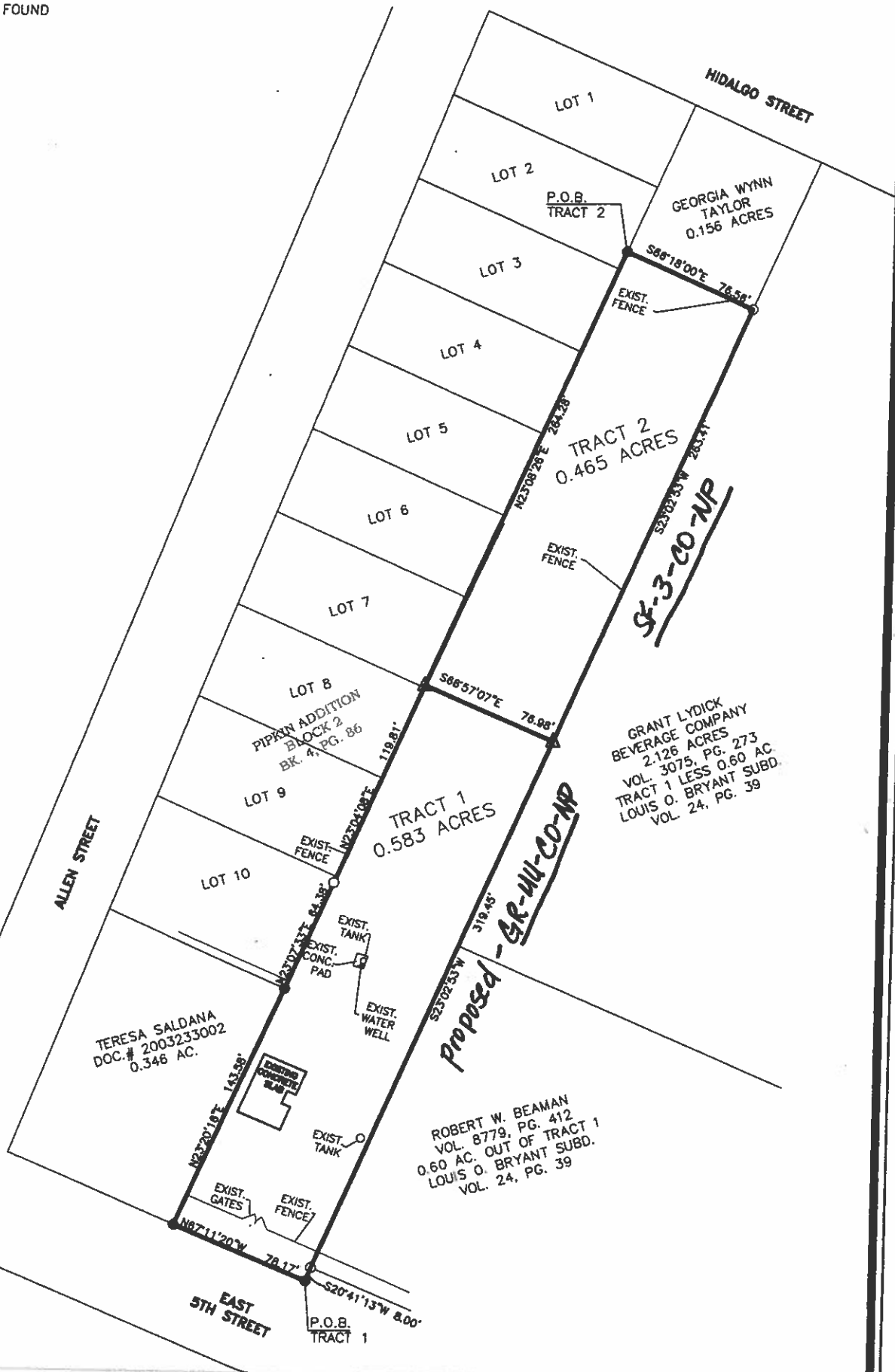
# SURVEY PLAT

### LEGEND

- = IRON ROD FOUND
- = CONCRETE MONUMENT FOUND
- = IRON ROD SET
- △ = CALCULATED POINT
- / = POWER POLE
- \* = GUY ANCHOR
- ← = WIRE FENCE



SCALE: 1"=80'



## **SUMMARY STAFF RECOMMENDATION**

The staff recommendation is to grant the change from GR-NP (General Commercial Services – Neighborhood Plan) and SF-3-NP (Family Residence – Neighborhood Plan) district zoning to GR-MU-CO-NP (Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan) for Tract 1, and SF-3-CO-NP (Family Residence – Conditional Overlay – Neighborhood Plan) district zoning for Tract 2. On Tract 1 and Tract 2, the Conditional Overlay would limit vehicle trips to less than 2,000 per day.

In addition, if the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of East 5th Street in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

GR- Community Commercial district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

MU- Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. Allows development of all types of residential uses, including single-family residential, multifamily residential, and townhouses.

*2. The proposed zoning should allow for reasonable use of the site.*

GR-MU allows a fair and reasonable use for the site. The applicant is proposing to build a medical office and medical spa with affordable residential units. The owner of the property is a medical doctor who proposes to open a clinic for the medically underserved residents in the area.

*3. Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.*

Staff has not granted a special privilege to this property owner as the proposed rezoning of this property is the same as that given to nearby owners. Properties across the street to and adjacent to the subject tract contain the same or a more intensive zoning district.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is undeveloped, relatively flat and lightly vegetated.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%.

### **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.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

### **Transportation**

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of East 5th Street in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site [LDC, 25-6-55; TCM, Tables 1-7, 1-12]. **NOTE:** This requirement has been deferred to the site plan phase.

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].

### **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 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 the Austin Water Utility for compliance with City criteria. 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.

### **Site Plan Review**

Site plans will be required for any new development other than single-family or duplex residential.

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. Compatibility will apply to portions of the property zoned GR, as there is SF-3 to the West.

This site will be subject to Commercial Design Standards, Subchapter F of the Land Development Code, 25-2.

It appears this site is composed of more than one tract. A Unified Development Agreement may be required prior to site plan approval.

This site is within the Controlled Compatible Land Use Area of Austin-Bergstrom International Airport as defined by Chapter 241 of the Local Government Code, and development is limited by Chapter 25-13 of Austin City Code., but outside the Airport Overlay Zones. Contact Joe Medici, Airport Planner, for more information at 530-6563.

***Govalle/Johnson Terrace Neighborhood Planning Team***  
***Preserving and Improving our Neighborhoods***

January 14, 2010

The Review Committee for the Govalle/Johnston Terrace Planning Contact Team held a meeting on August 31, 2009 and heard a presentation for a plan amendment and future zoning change request from representatives for Sandra Leija on their property located at 3306 E. 5<sup>th</sup> Street, currently zoned GR – NP on the southern part (with the land use on the FLUM as Commercial) and SF 3-NP on the northern part of the property (with the land use on the FLUM as Single Family).

After discussion and follow up meetings with sub committee members, the Review Committee and the applicant have agreed to support the following FLUM changes to the property in order to accommodate their proposed build out of the property and to support the future zoning change application to be submitted within the next 2-3 weeks.

The Govalle/Johnston Terrace Planning Contact Team supports:

1. The change in the FLUM from Commercial to Mixed Use on the front 325 feet of the property.
2. The future zoning change application from GR-NP to GR-MU-NP zoning from 180 feet off 5<sup>th</sup> Street to approximately 325 feet off the street. This allows the medical office/health spa and the upstairs apartments to be placed in this area along with required parking. The north end of the Project site will remain as SF-3-NP per the current zoning class.
2. The parking lot setback from 13 to 8 feet. The proposed Site Plan provides an 8 foot setback on all driveway improvements per compatibility requirements. Allowing this reduction accommodates fire lane access to the Site improvements.
3. The proposed fire lane turnaround requires a significant amount of space to set aside as impervious cover. This limits the available space for housing in the SF-3-NP zone. Support for impervious cover increases in this zone as long as coverage does not exceed the composite amount allowed under both zoning classes.

The Plan amendment and future zoning change request supports the following Goals and Objectives in the plan (See page 35 in plan document):

Land Use:

- Goal 1: Adjacent land uses should be compatible.

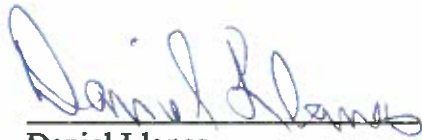
SCANNED

- Goal 2: Preserve and protect current and future single-family neighborhoods.
- Goal 3: Develop a balanced and varied pattern of land uses.
- Goal 4: Create and preserve a sense of "human scale" to the built environment of the neighborhood.

Housing:

- Goal 5: Maintain an affordable and stable housing stock.
- Goal 6: Foster and protect existing neighborhoods.
- Goal 7: Increase opportunities for people to live in close proximity to daily needs such as shopping and transportation.

These conditions are hereby agreed to by the Review Committee and the applicant, represented by:



Daniel Llanes  
Coordinator, Review Committee  
Govalle/Johnston Terrace Neighborhood  
Planning Team



Dr. Graciela Leija, MD, Owner  
The Lunaire Group, LP  
3306 E. 5<sup>th</sup> Street

SCANNED