

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2013-0092  
Eastside Lumber

**P.C. DATE:** January 14, 2014  
December 10, 2013  
November 12, 2013

**ADDRESS:** 2915 & 3013 East Cesar Chavez Street

**AREA:** Tracts 1 & 2: 0.793 acres  
Tract 3: 1.121 acres

**OWNER:** RAM Ventures, LLC (Randall A. Meek)

**AGENT:** Land Answers, Inc. (Jim Witliff)

**FROM:**  
Tracts 1 & 2: SF-3-NP  
Tract 3: CS-MU-CO-NP

**TO:**  
CS-MU-CO-NP  
SF-3-NP

**NEIGHBORHOOD PLAN AREA:** Holly

**TIA:** N/A

**WATERSHED:** Lady Bird Lake

**SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No

**DESIRED DEVELOPMENT ZONE:** Yes

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommendation is to approve General commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tracts 1 & 2 and Rural residence-neighborhood plan (RR-NP) for Tract 3. The conditions to be attached to the CS-MU-CO-NP zoned tract would include:

1. The following land uses would be prohibited: Adult oriented businesses, Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Campground, Convenience storage, Equipment repair services, Equipment sales, Kennels, Laundry services, Pawn shop services, Residential treatment, and Vehicle storage.

2. The following land uses would be conditional uses: Commercial off-street parking, Custom manufacturing, Limited warehousing and distribution, Service station, Transportation terminal, and Drive-in service as an accessory use to commercial uses.

3. Applicant also supports staff's recommendation that development be limited through a conditional overlay to less than 2,000 vehicle trips per day.

The Applicant supports Staff's recommendation.

### **PLANNING COMMISSION RECOMMENDATION:**

January 14, 2014: *RECOMMENDED APPROVAL OF STAFF RECOMMENDATION WITH CONDITION THAT 3 FEET ALONG EASTERN EDGE OF TRACT 2 REMAIN SF-3-NP, (10-0-1). [NORTEY- 1<sup>ST</sup>, ROARK - 2<sup>ND</sup>; HATFIELD - ABSENT]*

December 10, 2013: *GRANTED POSTPONEMENT REQUEST TO JANUARY 14, 2014, BY NEIGHBORHOOD CONTACT TEAM, ON CONSENT, (5-0). [NORTEY- 1<sup>ST</sup>, OLIVER - 2<sup>ND</sup>; HATFIELD, HERNANDEZ, STEVENS, ROARK- ABSENT]*

November 12, 2013: *GRANTED POSTPONEMENT REQUEST TO DECEMBER 10, 2013, BY NEIGHBORHOOD ASSOCIATION, ON CONSENT, (7-0). [NORTEY- 1<sup>ST</sup>, ROARK - 2<sup>ND</sup>]*

### **ISSUES:**

The subject property is located on the south side of East Cesar Chavez, east of Pleasant Valley Road. The rezoning tracts are part of a larger parcel, the remainder of which is zoned CS-MU-CO-NP and occupied by a lumberyard. The Applicant proposes expanding the lumberyard onto Tracts 1 & 2, which are currently zoned SF-3-NP. The prohibited and conditional land uses listed in the Staff recommendation are identical to those on the remainder of the CS-MU-CO-NP parcel. The Applicant proposes "down-zoning" Tract 3 from CS-MU-CO-NP to a significantly less intense zoning category to ensure minimal development potential of Tract 3, and to offset the zoning change on Tracts 1 & 2. Although the Applicant originally requested SF-3-NP for Tract 3, they support the Staff's recommendation of RR-NP, as it reflects the same goals and is more in keeping with City zoning policy for similarly situated tracts.

### **DEPARTMENT COMMENTS:**

The rezoning tracts are located on the south side of East Cesar Chavez, east of Pleasant Valley Road. As stated in the Issues section, the Tracts are adjacent to Eastside Lumber, with the same property owner. West of the tracts and lumber yard is a bank that is zoned CS-MU-CO-NP with the same conditions as the lumber yard. There is also a small piece of City owned property that is zoned P-NP that is located between Pleasant Valley Road and Lady Bird Lake. The property is primarily located in the floodplain and is developed with utilities only. East of the rezoning tract are lots that are zoned SF-3-NP and developed with single family residences. To the north and northeast of the tracts, but south of East Cesar Chavez, is a strip of GR-MU-CO-NP zoning between the residential area and Cesar Chavez. Across Cesar Chavez are several commercial developments that are zoned CS-MU-CO-NP, including automotive repair, convenience store and more. Please refer to Exhibits A and B (Zoning Map and Aerial View).

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP, CS-MU-CO-NP	Undeveloped, Parking
<i>North</i>	CS-MU-CO-NP, GR-MU-CO-NP	Construction sales & service, Undeveloped, Food sales, Equipment repair
<i>South</i>	SF-3-NP, Lady Bird Lake	Undeveloped, Lady Bird Lake
<i>East</i>	SF-3-NP, GR-MU-CO-NP	Undeveloped, Residential, Retail
<i>West</i>	CS-MU-CO-NP, P-NP	Construction sales & service, Vacant warehouse, Financial services, Parkland

### **RELATED CASE NUMBERS:**

All properties in the vicinity were zoned in conjunction with the Govalle-Johnston Terrace Neighborhood Plan, which was adopted in 2003. The zoning case, C14-02-0183.001, was adopted as

Zoning Ordinance No. 030327-11a in April 2003. The FLUM for this area shows mixed use, so an NPA is not required.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Cesar Chavez	100	MNR 4	Arterial	No	No	No

**SCHOOLS:**

Brooke Elementary School

Martin Middle School

Eastside Memorial HS at Johnston

**NEIGHBORHOOD ORGANIZATIONS:**

East River City Area

PODER

Holly Neighborhood Coalition

The Holly Group

East Town Lake Citizens Neighborhood Organization

Save Town Lake.Org

Tejano Town

Pleasant Valley

Barrio Unido Neighborhood Association

Southeast Austin Neighborhood Alliance

The Crossing Gardenhome Owners Association

Waterfront Condominium HOA

Guadalupe Neighborhood Development Corporation

East Riverside/Oltorf Neighborhood Contact Team

Greater East Austin Neighborhood Association

Cristo Rey Neighborhood Association

Montopolis Area Neighborhood Alliance

Sentral Plus East Austin Koalition

Austin Neighborhoods Council

Del Valle Community Coalition

Buena Vista Neighborhood Association

River Bluff Neighborhood Association

El Montopolis Neighborhood Association

Preservation Austin

United East Austin Coalition

East River City Citizens

**CITY COUNCIL DATE & ACTION:**

January 23, 2013:

December 12, 2013: *POSTPONED TO JANUARY 23, 2014, AT STAFF'S REQUEST, ON CONSENT (7-0). [SPELMAN- 1<sup>ST</sup>, COLE- 2<sup>ND</sup>]*

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

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin

e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 974-2122

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommendation is to approve General commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tracts 1 & 2 and Rural residence-neighborhood plan (RR-NP) for Tract 3. The conditions to be attached to the CS-MU-CO-NP zoned tract would be identical to those on the property to the west, with the additional condition that development be limited through a conditional overlay to less than 2,000 vehicle trips per day.

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

#### *1. Zoning should allow for a reasonable use of a property.*

Tracts 1 & 2 are no longer suitable for SF-3-NP land uses. This area has changed from residential to a mix of commercial and light industrial uses over many years, and the majority of surrounding land uses are comparable to the lumber yard in character and intensity. Additionally, the SF-3-NP tracts are part of larger parcels that are zoned CS-MU-CO-NP with the same restrictions recommended by Staff.

#### *2. Floodplain should normally be zoned RR, except where RR zoning would preclude access to the site.*

Tract 3 is significantly impacted by floodplain, critical water quality zone, and water quality transition zone. Tract 3 is also located in the Red Bluff subdistrict of the Waterfront Overlay and is dominated by steep slopes. City of Austin policy typically recommends Rural residential zoning for similarly situated properties.

### **Comprehensive Planning:**

This case is located on the south side of E. Cesar Chavez Street. The property contains a metal building that has been used for equipment storage and City of Austin parking. The zoning case is located within the boundaries of the Govalle Neighborhood Planning Area. Surrounding land uses include an auto body and auto repair shops to the north, vacant land to the south (which is located along the banks of Lady Bird Lake), a bank to the west, and equipment storage and a motel to the east. The proposed use is retail/mixed use.

The Govalle/Johnson Terrace Combined Neighborhood Plan (G/T Plan) Future Land Use Plan identifies this portion of E. Cesar Chavez Street as Mixed Use, which allows for GR-MU and SF-3 zoning. The G/T Plan also identifies this portion of E. Cesar Chavez as an important gateway into this neighborhood and supports a combination of commercial and residential uses in this area. Mixed Use is defined as an area that is intended for a mix and non-residential uses, including retail and commercial services. The following goals and principles are taken from the Govalle/Johnson Terrace Combined Neighborhood Plan.

**Goal 3:** Develop a balanced and varied pattern of land use. (Sector Plan) (p 35)

**Key Principles:** Provide a balance of land use and zoning for people to both live and work in the area. (p 35)

**Key Principles:** Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a convenient and walkable environment. (p 35)

**Key Principles:** Ensure that new development and redevelopment respects the existing scale and character of the planning area. (p 36)

**Mixed Use Development:** The southern side of East César Chávez is recommended as a mixed use area where commercial, retail or office uses occupy ground floors and residential uses are located above or behind. This area is also foreseen as a mixed use area where small scale commercial uses are interspersed with residential uses, including the existing single family homes. (p 39-40)

**Goal 21:** Protect and encourage development of a diversity of neighborhood-oriented businesses and employment. (Sector Plan) (p 79)

**Conclusion:** Overall, the G/T Plan is supportive of a mixed use development that provides neighborhood services and employment to the community, especially if it offers a residential component.

The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve '*complete communities*' across Austin, where housing, services, **retail**, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, **identifies this section of East Cesar Chavez Street as an Activity Corridor**. Activity corridors 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 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.

The following Imagine Austin Comprehensive Plan policies supports the concept of developing '*complete communities*' across Austin, including a variety of retail and commercial uses:

- **LUT P3.** Promote development in compact centers, communities, **or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes **designated redevelopment areas, corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities. Based upon: (1) surrounding commercial uses; (2) the property being located along a major Activity Corridor as identified in the Imagine Austin Growth Concept Map, which supports commercial uses,(3) the Govalle/Johnson Terrace Combined Neighborhood Plan, which supports Mixed Use for this area, and; (4) the Imagine Austin policies referenced above, which supports a variety of land uses to promote complete communities, staff believes the proposed commercial land use is supported by the Imagine Austin Comprehensive Plan.

### **Site Plan:**

SP 1. FYI - This site is located in the Govalle Neighborhood Plan. Please see the City's website <http://www.austintexas.gov/departments/neighborhood-planning> for a copy of the recommended design guidelines.

SP 2. This project is within the Red Bluff Waterfront Overlay subdistrict. Please see Land Development Code Chapter 25-2, Subchapter C, Article 3, Divisions 7 & 8 for land use and site development standards.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 4. The site is subject to compatibility standards. Along the east and northwest property lines, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

SP 5. Additional design regulations will be enforced at the time a site plan is submitted.

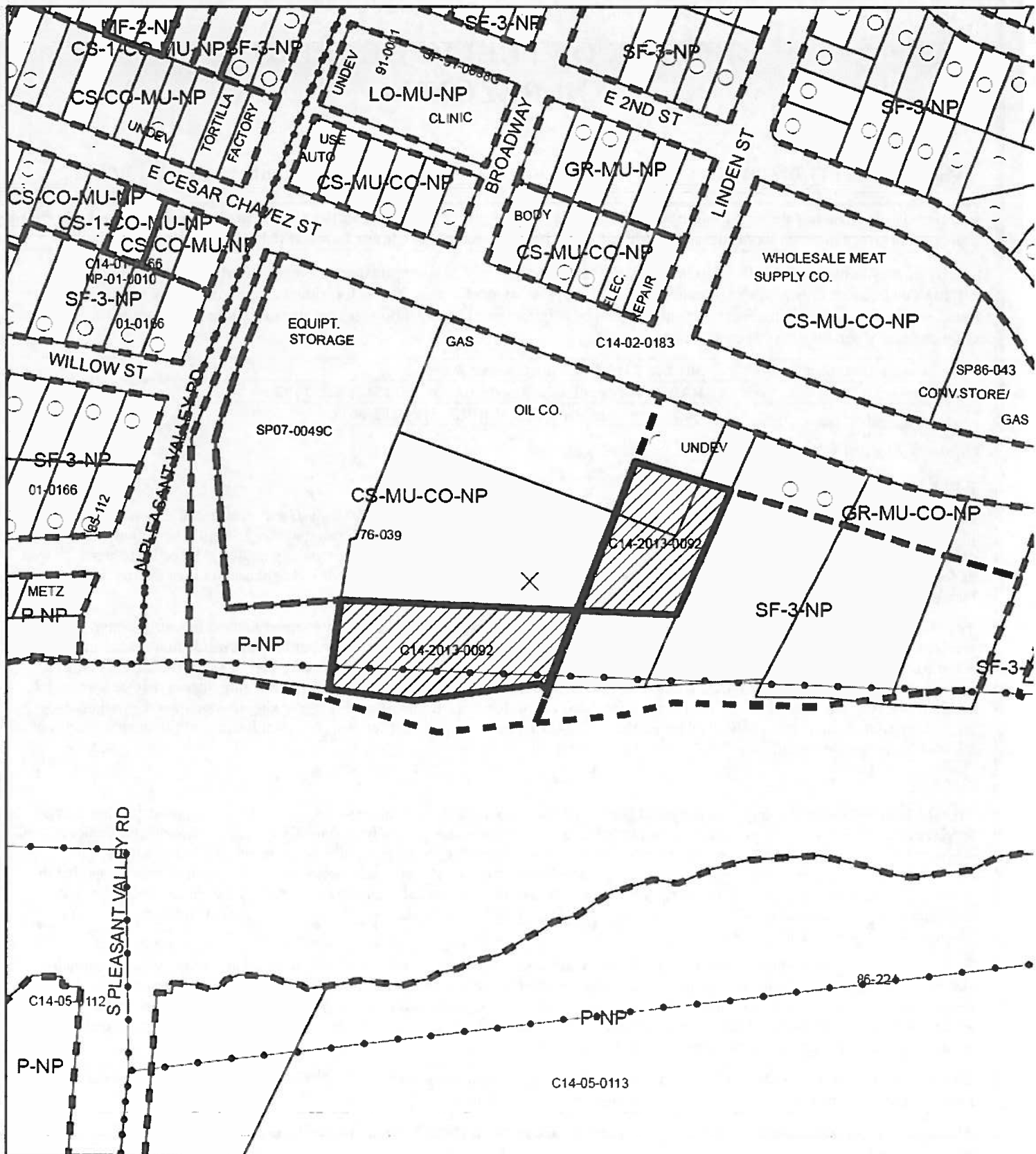
**Transportation:**

TR1. No additional right-of-way is needed at this time.

TR2. 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:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Colorado River 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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.
4. According to flood plain maps, there is a flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2013-0092



1" = 200'

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

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







## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name; the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2013-0092

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 12, 2013, Planning Commission

Dec 12, 2013, City Council

Chaffin, Heather

Your Name (please print)

2712 CANTEK BLDG

Your address(es) affected by this application

Signature Date 11/27/13

Daytime Telephone: (512) 680-4945

Comments: NO MORE NEW TAXES

TAXES ARE WAY TOO HIGH IN CANTON

☐ I am in favor  
☒ I object

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

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810