

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Govalle/Johnston Terrace Combined

CASE #: NPA-2014-0016.03

DATE FILED: December 4, 2014 (out-of-cycle)

PROJECT NAME: Morotito's Plan

PC DATE: May 12, 2015

ADDRESS: 2901 E. 5th Street

DISTRICT AREA: 3

SITE AREA: 0.3115 acres

OWNER/APPLICANT: Michael A. Valdez

AGENT: Lourdes Godoy

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2014-0194

From: SF-3-NP

To: GR-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: March 27, 2003

PLANNING COMMISSION RECOMMENDATION: On May 12, 2015 – To grant Mixed Use land use as recommended by staff. [J. Nortey – 1st; R. Hatfield – 2nd] Vote 5-2-2 [N. Zaragoza and J. Stevens nay; D. Chimenti and S. Oliver absent].

STAFF RECOMMENDATION: Recommended

BASIS FOR STAFF'S RECOMMENDATION: The applicant's request to change the land use from Single Family to Mixed Use is supported by staff because E. 5th Street is predominantly a commercial corridor with some industrial uses. Mixed Use land use along this corridor is consistent with the existing land uses and staff believes the single family land use and zoning along this corridor will continue to transition to commercial uses over time.

The request meets the following Govalle/Johnston Terrace goals and recommendations.

LAND USE GOALS

Goal 1: Adjacent land uses should be compatible.

Key Principles: Address the “over-zoning” of properties in the Govalle/Johnston Terrace Neighborhood Planning Area.

- Non-residential development should not adversely affect existing businesses or neighborhoods, either by increases in traffic, noise, pollutants, or other safety hazards.

Goal 2: Preserve and protect current and future single-family neighborhoods.

Key Principles: Initiate appropriate rezoning to preserve and protect established and planned single-family neighborhoods.

- Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods.
- Encourage higher density non-residential land uses to locate near major intersections and in industrial districts/business parks.

Goal 3: Develop a balanced and varied pattern of land use.

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

- Encourage mixed use so that residential uses are allowed on some commercial properties.
- Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a convenient and walkable environment.

LAND USE DESCRIPTIONS

EXISTING LAND USE

Single Family --Single family detached or two family residential uses at typical urban and/or suburban densities.

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and

3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

PROPOSED LAND USE

Mixed Use - An area that is appropriate for a mix of residential and non-residential uses

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;

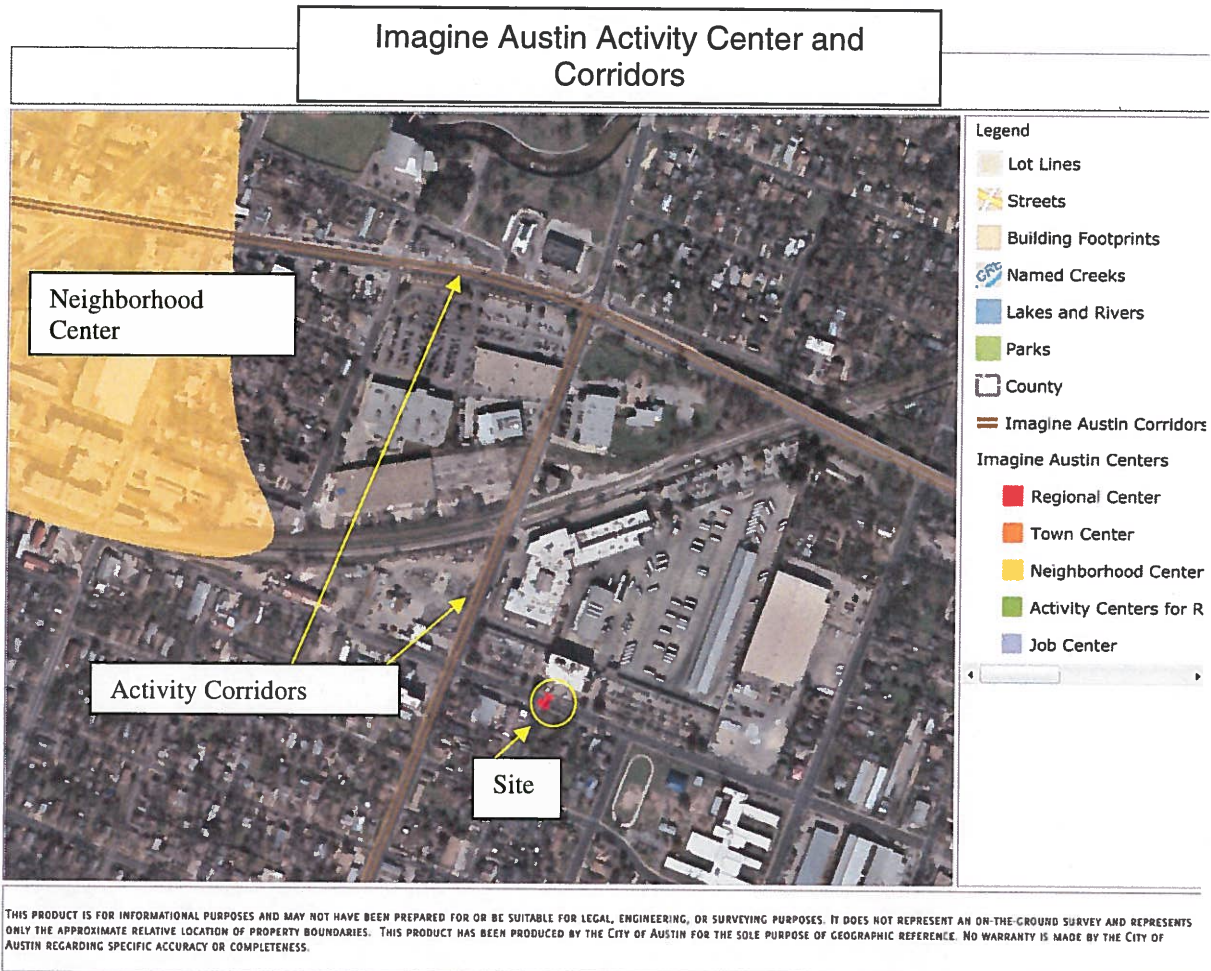
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

IMAGINE AUSTIN PLANNING PRINCIPLES

The property is a 0.25 miles from a Neighborhood Center and approximately 360 feet from Pleasant Valley Road an Activity Corridor, as identified in the Imagine Austin Comprehensive Plan.

- Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - *The property is located on a commercial corridor walking distance from an elementary school and numerous businesses.*
- Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - *The property is walking distance from four Capital Metro bus routes along a commercial corridor with bicycle lanes and sidewalks for pedestrians.*
- Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - *The property is located near an activity corridor.*
- Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - *The mixed use land use allows commercial, office, and residential uses.*
- Ensure harmonious transitions between adjacent land uses and development intensities.
 - *Mixed Use land use appropriate along E. 5th Street and is a compatible land use adjacent to residential uses to the south.*
- Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - *The property is not located in an environmentally sensitive area.*

- Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
 - *Not applicable.*
- Protect, preserve and promote historically and culturally significant areas.
 - *Not applicable.*
- Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - *Not applicable.*
- Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - *Mixed use land allows commercial and office uses which could create a limited number of new jobs.*
- Sustain and grow Austin’s live music, festivals, theater, film, digital media, and new creative art forms.
 - *Not applicable.*
- Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
 - *Not applicable.*



IMAGINE AUSTIN GROWTH CONCEPT MAP

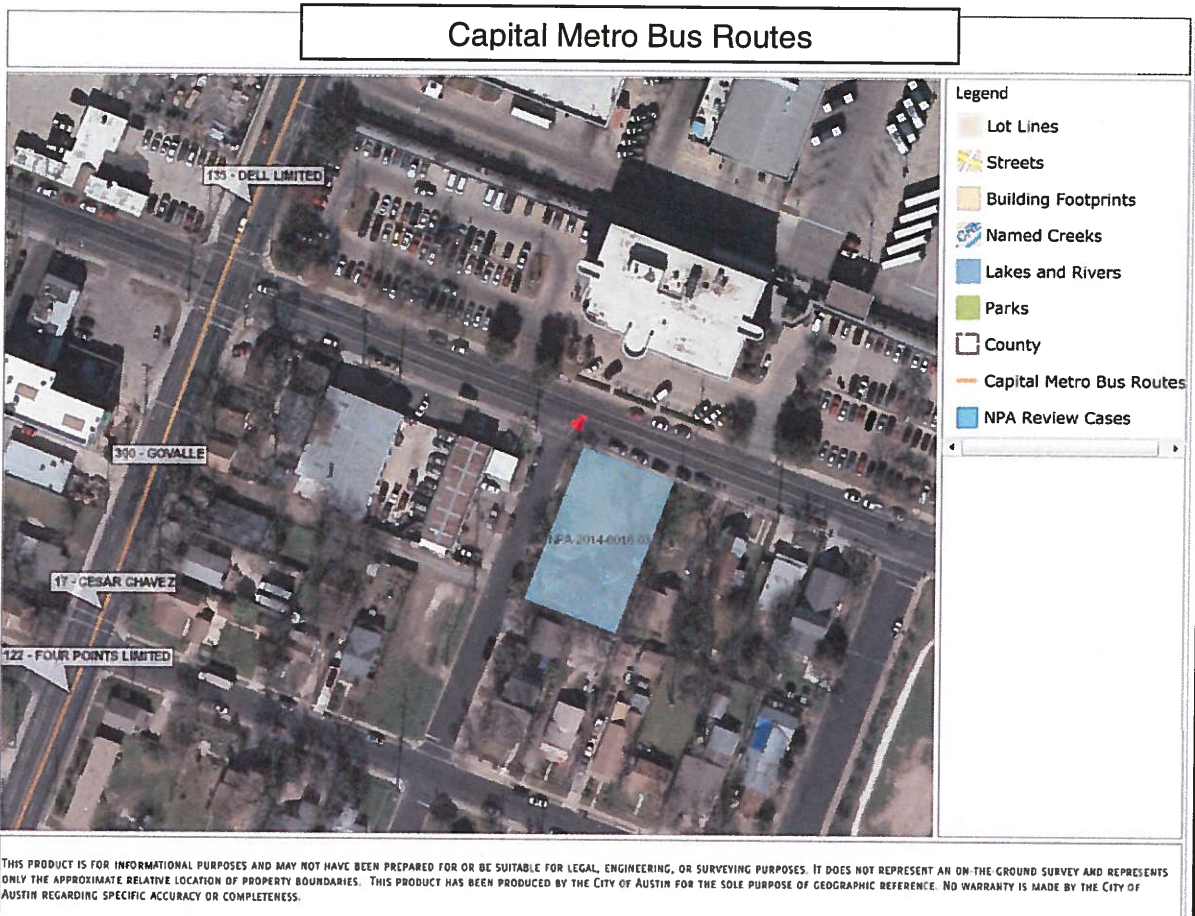
Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

The Mueller redevelopment in Central Austin is an example of an emerging town center. Presently at Mueller, there are local and regional-serving retail establishments, the Dell Children's medical Center of Central Texas, and Seton Healthcare Family offices. Upon build-out, Mueller expects to include 4.2 million square feet of retail, offices, medical space, and film production, as well as 10,000 residents.

Corridors - Activity corridors have a dual nature. They 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 also 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. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.



BACKGROUND: The property is located at 2901 East 5th Street, which is located within the Govalle/Johnston Terrace Combined Neighborhood Plan. The applicant proposes to change the land use on the future land use map from Single Family to Mixed Use. The applicant proposes to build a small-scale retail, office, with possible residential uses.

A zoning change application has been filed on the property, case number C14-2014-0194. The applicant proposes to change the zoning from SF-3-NP (Family Residence District – Neighborhood plan) to GR-MU-NP (Community Commercial – Mixed Use-Neighborhood Plan).

PUBLIC MEETINGS: The ordinance required plan amendment meeting was held on January 28, 2015. Approximately 142 meeting notices were mailed to property and utility account holders located within 500 feet of the property, in addition to neighborhood and environmental groups registered on the community registry who requested notification for the area. Five people attended the meeting, including the applicant/owner, agent and one city staff member.

Lourdes Godoy and Michael Valdez told the attendees that they propose to rezone the property to GR-MU-NP so they can build a mixed use building with an office and/or coffee shop or juice bar, with the possibility of a small number of residential uses.

Q. So you have a site plan?

A. No, we don't have a site plan, but we propose to have the building facing E. 5th Street.

Q. The parking situation is an issue. Capital Metro and the muffler shop have people parking in the neighborhood.

A. Maybe we can submit an application to the City for the Residential Parking Permit Program to stop people from parking on our streets. We can look into that.

Q. The commercial you're proposing scares me because you could sell the property to someone else.

A. It's a big lot for one single family home. We pay a lot of property taxes; we need to find a way to use the property. We want to build something ourselves to show our children.

Comments:

People want businesses, not apartments. We want residential uses. We don't want people buying buildings and homes as investments, but we want people to build homes to live there.

After the discussion, the applicant and the property owner to the south agreed to meet to discuss prohibiting certain uses within the GR – Community Commercial zoning district.

The Govalle/Johnston Terrace supports the zoning change request. See letter on page 11.

CITY COUNCIL DATE: June 11, 2015 **ACTION:** (Pending)

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: Maureen.meredith@austintexas.gov

Out-of Cycle Letter from the Govalle/Johnson Terrace
Planning Contact Team

Govalle/Jonston Terrace Neighborhood Contact Team
"Strength Through Unity"

November 24th, 2014

Ms Godoy,

Given that the Govalle/ Johnston Terrace Neighborhood Contact Team approved your zoning change request for your project at 2101 E. 5th Street in June of this year,

Please accept this letter as confirmation that the Govalle/Johnston Terrace Neighborhood Contact Team will support and initiate an out of cycle plan amendment application for you when you are ready to do so.

Please let me know if you need anything else from us.

Thank you,



Daniel Llanes, Chair
Govalle/Johnston Terrace Neighborhood Contact Team
512-431-9665

Letter of Recommendation from the Govalle/Johnston Terrace PCT

***Govalle/Johnston Terrace Neighborhood Contact Team
Strength Through Unity***

July 9, 2014

To whom it may Concern,

On June 21st, 2014 the Review Committee for the Govalle/Johnston Terrace Neighborhood Contact team heard a presentation by Lourdez Godoy on the property at

**2901 E. 5th St. – zoned SF3
seeking to change to GR/MU**

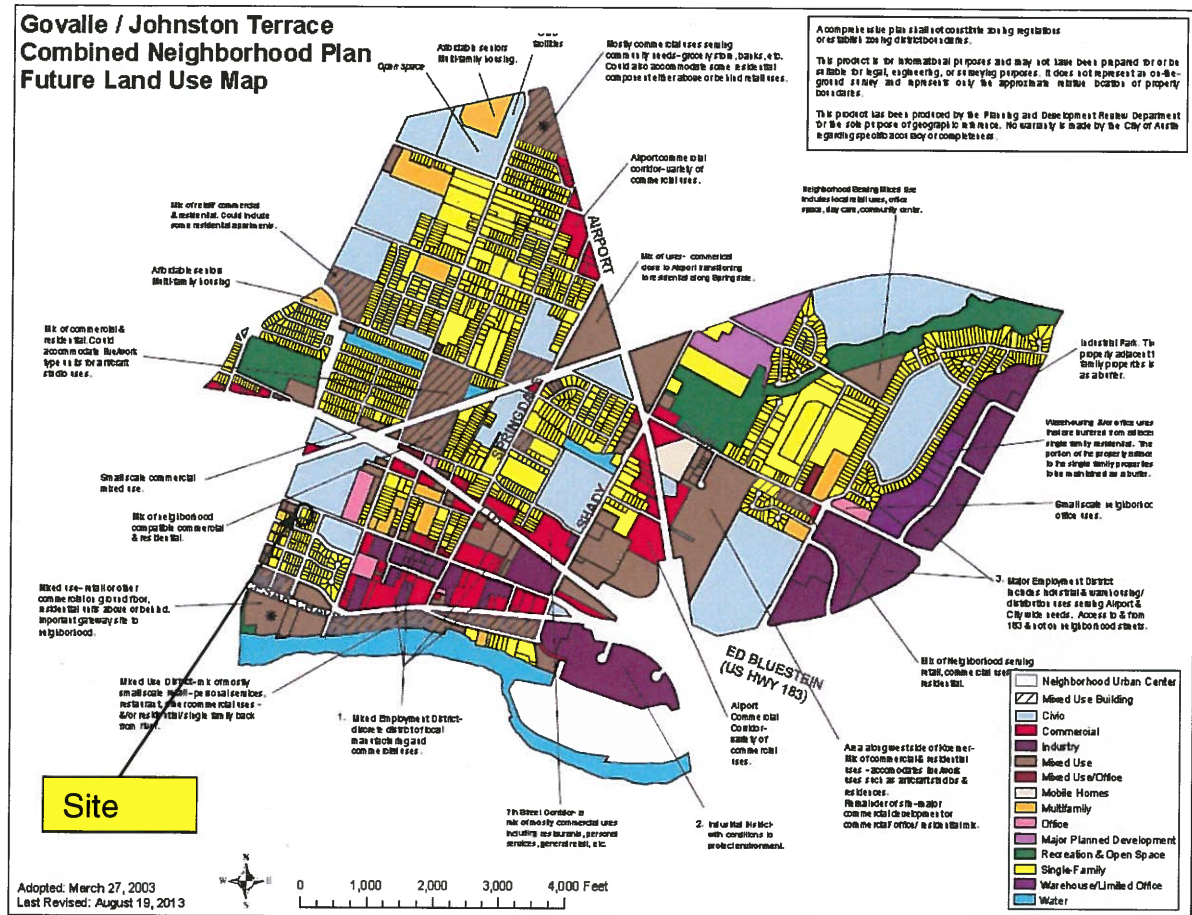
in order to build office space and live on second floor of new building..

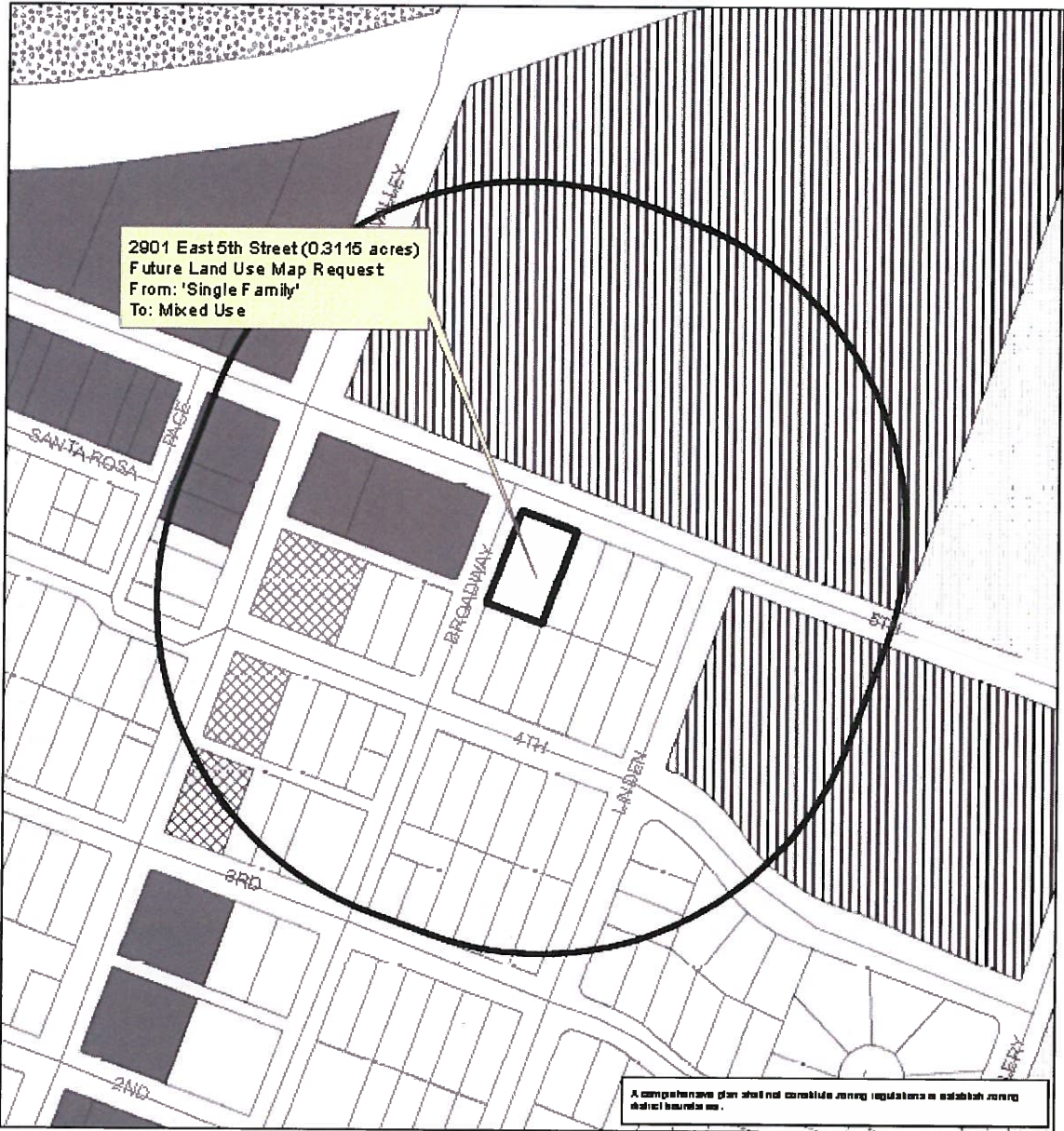
After review and discussion the Review Committee recommends **support for the change from SF3 to GR/MU.**

Please feel free to contact me with any questions or comments.

Thank you,

Daniel Llanes, Chair
Govalle/Johnston Terrace Neighborhood Contact Team
512-431-9665







Govalle/Johnston Terrace Neighborhood Planning Area
NPA-2014-0016.03

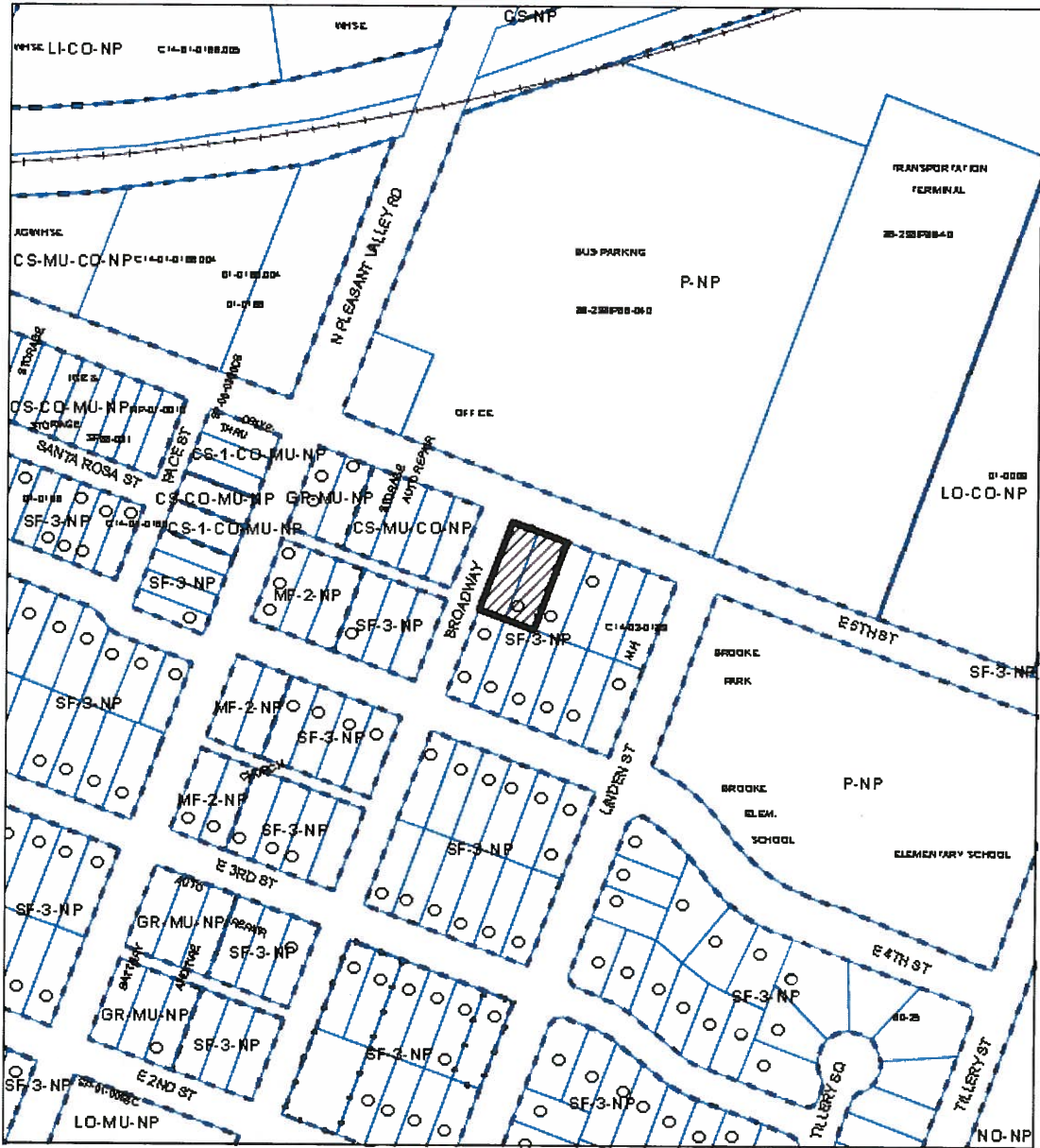
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Bureau for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding spatial accuracy or completeness.

 **City of Austin**
Planning and Development Review Department
Created on 12/8/2014, by: meredithm



Future Land Use	
	Mixed Use/Office
	Industry
	Civic
	Recreation & Open Space
	Transportation
	Water
	Subject Property



- ZONING**
CASE#: C14-2014-0194
- SUBJECT TRACT
 - PENDING CASE
 - ZONING BOUNDARY

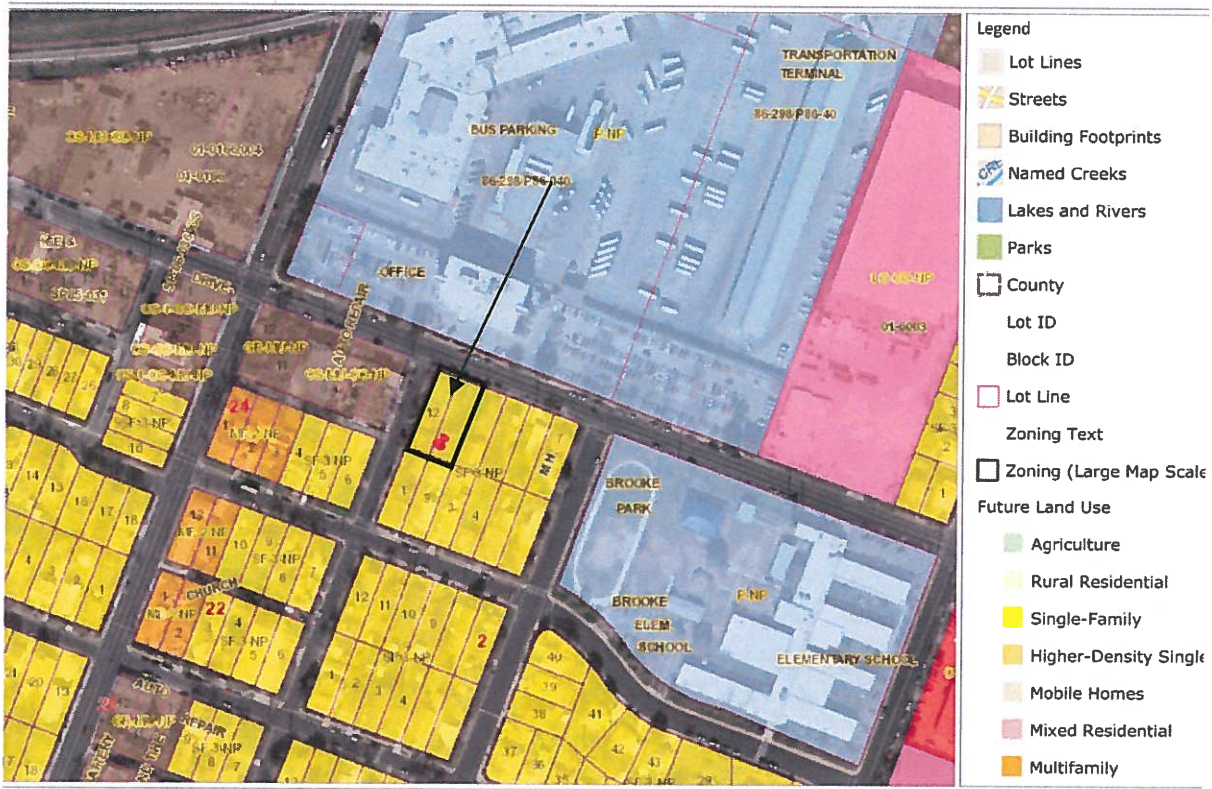
1" = 200'

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 CTRM for the sole purpose of geographic reference. No warranty is made by the City of Austin for the accuracy or completeness of the information.

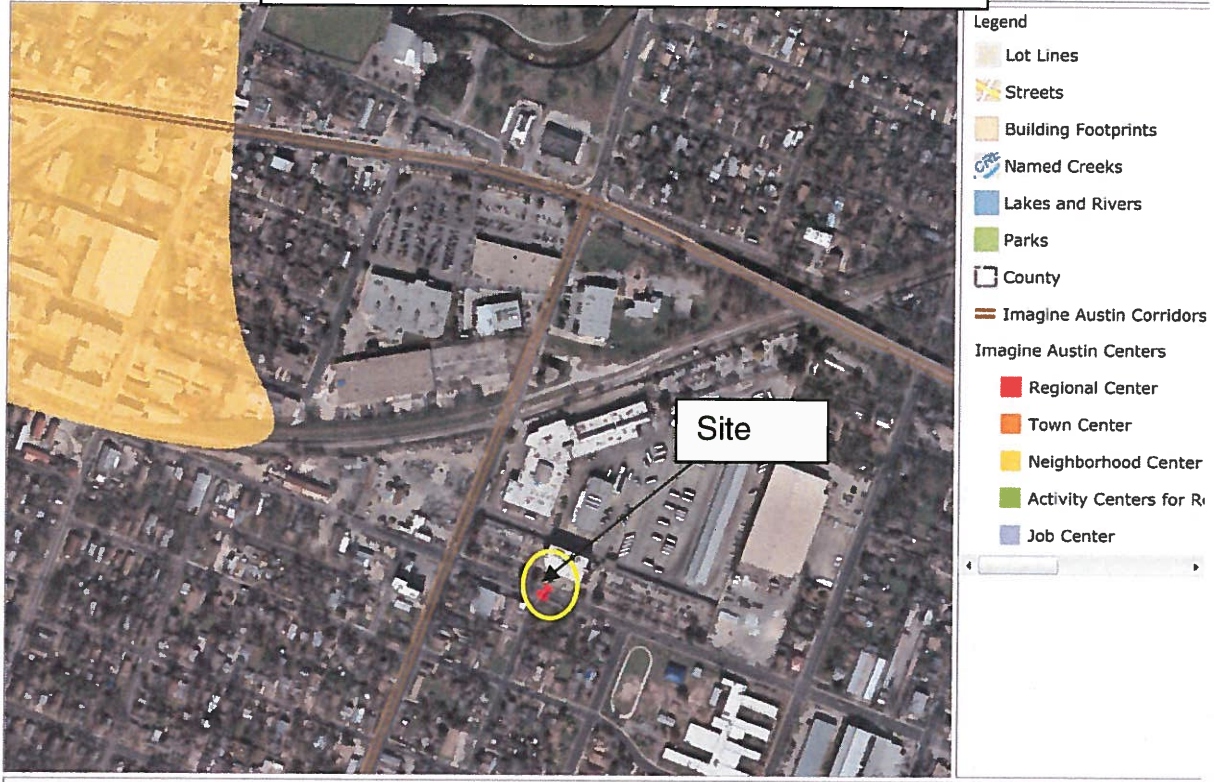


CITY OF AUSTIN DEVELOPMENT WEB MAP



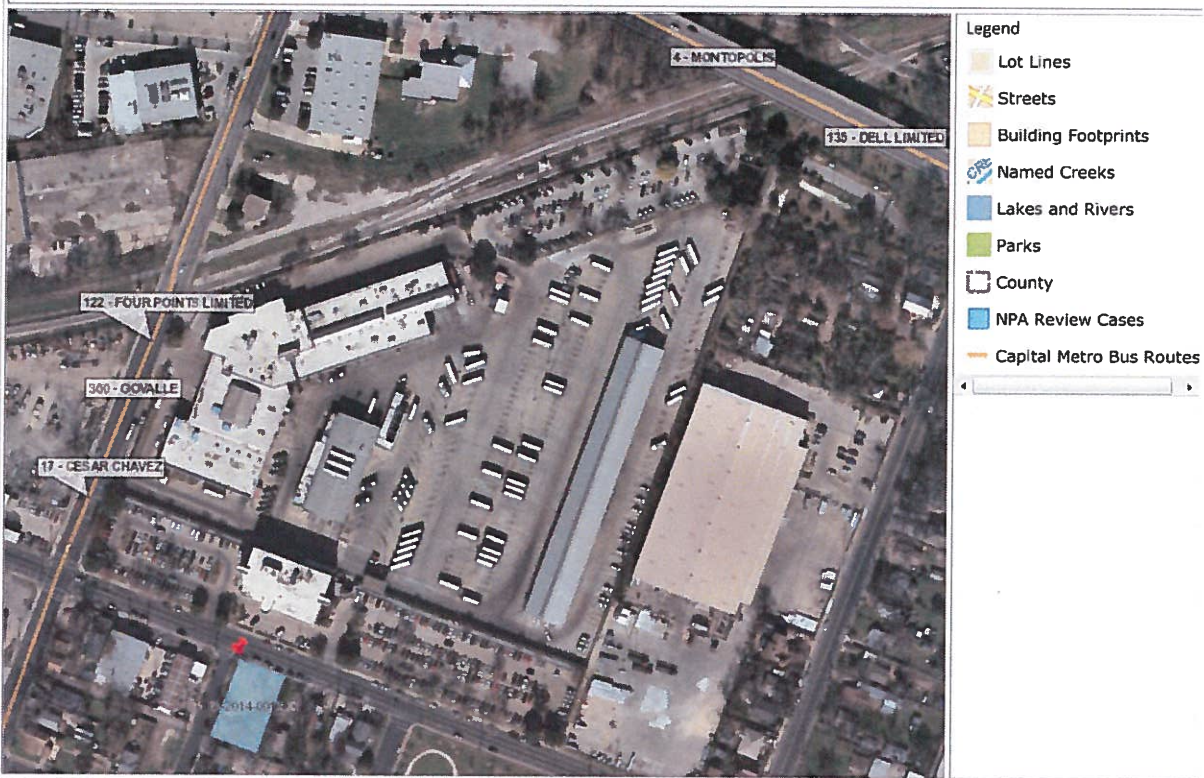
THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

Imagine Austin Growth Concept Map – Activity
Centers and Activity Corridors

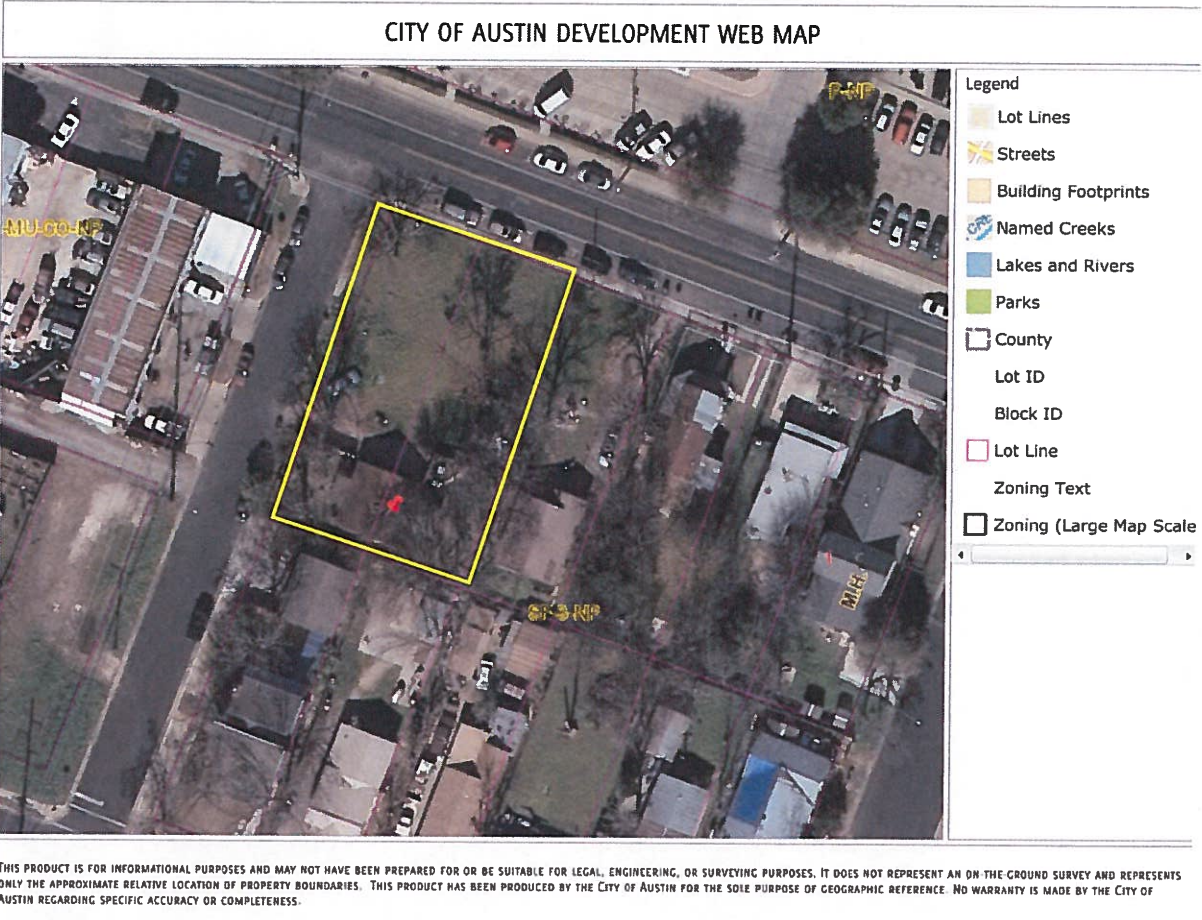


THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

Capital Metro Bus Routes

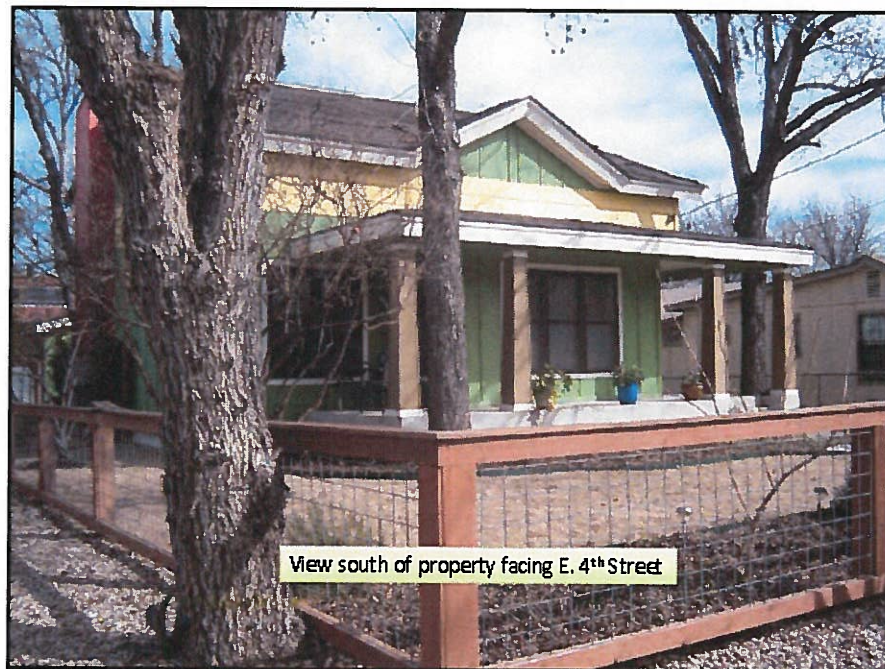
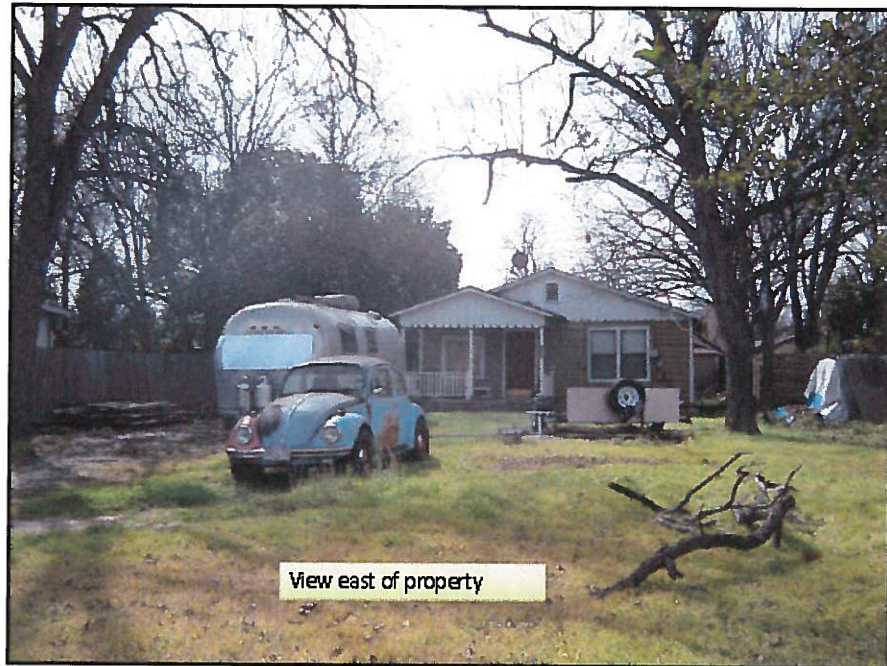


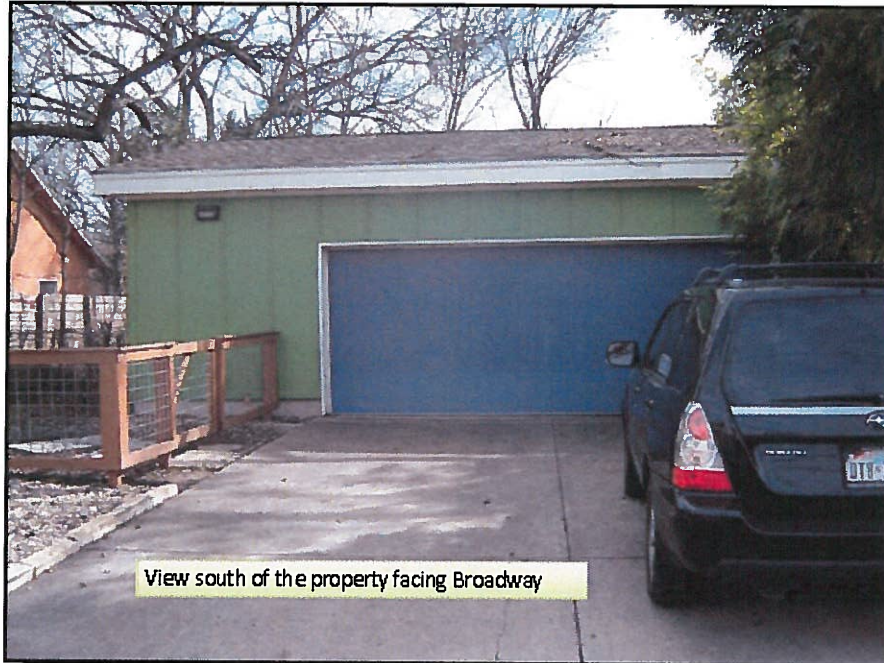
THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.











From: Dave Reed
Sent: Thursday, May 07, 2015 10:19 PM
To: Meredith, Maureen
Cc: Chaffin, Heather; Heather Falvo
Subject: Re: NPA-2014-0016.03 - 2901 E. 5th Street

Maureen,
Thanks for asking.

A number of neighbors did download and sign a petition regarding the cases mentioned below. I believe that was mailed approximately 1 week ago. The neighbors are against the property being zoned anything other than residential. There would be some willingness to allow higher density residential, but we would want to understand before any agreements were made. The current neighborhood plan has the property designated as Single Family.

When discussed during the community meeting, there was not a specific business idea or business plan in place to help us evaluate the impact to the neighborhood. The neighbors are concerned that any agreement on initial commercial use could change, even if a restrictive covenant were identified.

As discussed in the community meeting, the neighborhood is already experiencing significant traffic and parking overflow from Pleasant Valley, 5th Street, and 2nd Street. Any additional movement towards commercial would risk increasing these issues. Some informal discussion has begun concerning a neighborhood street parking permit application.

Some examples of the traffic and parking congestion:

- A significant number of vehicles from the Capital Metro administrative offices (at Broadway and 5th Street) park in the neighborhood. Sometimes these cars overlap driveways or prevent older residents from having visitors park near their homes.
- Auto mechanic and body shop business at the corner of 5th and Broadway use the street as a significant portion of the parking for their customers during the daytime as well as an adjacent residentially zoned vacant lot.
- Churches and health clinics are along Broadway near the 2nd street and 3rd street intersections. These entities sometimes require overflow parking.
- Lustre Pearl is in the process of re-opening at the corner of 2nd and Linden. That property has little to no off street parking. If anything similar to Rainey street develops, we would be very concerned.

Rezoning Application Case: C14-2014-0194 2901 E 5th St

From: SF-3

To: GR-MU-NP

Neighborhood Plan Amendment: NPA-2014-0016.03 2901 E 5th St

From: Single Family

To: Mixed Use

Please include our comments within the case.

Thanks,

David Reed

Heather Falvo

2900 E 4th Street

From: Heather Marie Falvo <
Date: May 8, 2015 at 4:33:03 PM CDT
To: "Chaffin, Heather" <Heather.Chaffin@austintexas.gov>
Cc: Dave Reed <"Sabino.Renteria@austintexas.gov">
<Sabino.Renteria@austintexas.gov>
Subject: Re: NPA-2014-0016.03 - 2901 E. 5th Street

Hi Heather,

I still object to allowing some as of yet undetermined (let alone any) business literally in my backyard. It is my understanding that the neighborhood plan has this designated as residential, and I am not seeing why this is a necessary exception to the plan. My husband purchased and built on this lot based on the fact that the neighborhood plan existed and that our block was zoned residential. I see no pressing need for a hair salon (there is one on 5th, 6th and 7th, all in commercial areas).

With Luster Pearl on the way, it seems that our neighborhood is going to be allowed by city officials to go the way of Rainey Street. At that point, will my only recourse be to hope that a billionaire developer comes and buys me out of here? I certainly hope that is not to be the case.

And, will you please acknowledge whether the neighborhood petition has been received? There should have been approximately 8 signatories. We have a photocopy of you are unable to locate it.

Respectfully,
Heather Falvo MD
2900 E4th St
78703

PUBLIC HEARING COMMENT FORM

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

City of Austin
Planning and Zoning Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2014-0016.03

Contact: Maureen Meredith

**Public Hearing: May 12, 2015, Planning Commission
Jun 11, 2015, City Council**

☐ I am in favor
☒ I object

Your Name (please print)

BENIGNO GONZALEZ

Your address(es) affected by this application

Benigno Gonzales
Signature

05-05-15
Date

Comments:

Hello Folks: We don't want

any changes in our Block 2901 E. 5TH ST.

We are elderly folks and we don't

want any changes. C14-2014-0194

NO MIXED USED

Chaffin, Heather

From: Dave Reed [REDACTED]
Sent: Wednesday, June 03, 2015 5:08 PM
To: Meredith, Maureen; Chaffin, Heather
Cc: Heather Falvo
Subject: Additional comments for NPA-2014-0016.03 and C14-2014-0194

Follow Up Flag: Follow up
Flag Status: Flagged

Heather/Maureen,

I'm writing about cases NPA-2014-0016.03 and C14-2014-0194, scheduled for the June 11, 2015 City Council meeting. I am not sure if you are able to include additional resident comments in the supporting documentation at this point. If yes, please include this email.

I do appreciate the work and diligence your offices have placed on this case. However, I respectfully disagree with the staff recommendations and the Planning Commission's approval for change in land use and zoning. As discussed in the Planning Commission meeting, several neighbors and myself would support higher density residential, but not mixed use or commercial uses.

A major justification for the staff recommendation is that 1.) the change would be a valid transition space between adjacent zoning and land uses and 2.) it will happen eventually anyway. It only happens if the City allows it to happen in conflict with the Neighborhood Plan.

The staff report quotes sections of the Govalle/Johnston neighborhood plan that encourage higher density residential near major intersections and allowing commercial properties to transition to mixed use to allow for additional residential uses. Instead of recommending higher density residential as an alternative transition, the staff has gone straight to mixed use, which introduces commercial elements.

The Neighborhood Plan also includes recommended Land Use Actions to use conditional overlays where single family residential abuts more intensive uses in order to protect the residential uses. The staff recommendation appears to be in conflict with the goal of protecting existing residential uses.

In addition to these points, I still have concerns over increased traffic and parking congestion that would come with mixed use/commercial. Though a Neighborhood Traffic Analysis was done, I don't believe it accounts for the existing over-usage from existing adjacent businesses (auto mechanics and Capital Metro administrative offices)

Respectfully,

David Reed