

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2016-0041 -- East Sixth Village South

DISTRICT: 3

REQUEST: Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2416 E. 6<sup>th</sup> Street (Lady Bird Lake watershed) from limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial service-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning

DEPARTMENT COMMENTS: No conditions were added by City Council.

OWNER / AGENT: 2416 East Sixth Street LP (Timothy Clark)

DATE OF FIRST READING: First reading approved on September 22, 2016. Vote: 10-0

CITY COUNCIL HEARING DATE: December 15, 2016

CITY COUNCIL ACTION: 1<sup>st</sup> reading- 9/22/2016

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

## ZONING CHANGE REVIEW SHEET

<b><u>CASE:</u></b> C14-2016-0043 East Sixth Street Village North	<b><u>P.C. DATE:</u></b> July 26, 2016 July 12, 2016
<b><u>ADDRESS:</u></b> 622 Pedernales Street	<b><u>AREA:</u></b> 0.8609 acres
<b><u>DISTRICT:</u></b> 3	
<b><u>OWNER:</u></b> 2416 East Sixth Street LP (Timothy Clark)	
<b><u>AGENT:</u></b> 2416 East Sixth Street LP (Timothy Clark)	
<b><u>FROM:</u></b> LI-CO-NP	<b><u>TO:</u></b> CS-MU-CO-NP
<b><u>NEIGHBORHOOD PLAN AREA:</u></b> Holly	<b><u>TIA:</u></b> Not Applicable
<b><u>WATERSHED:</u></b> Lady Bird Lake	<b><u>SCENIC ROADWAY:</u></b> No
<b><u>CAPITOL VIEW CORRIDOR:</u></b> No	<b><u>DESIRED DEVELOPMENT ZONE:</u></b> Yes

### **SUMMARY STAFF RECOMMENDATION:**

Staff supports the Applicant's request of general commercial service-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP). The proposed zoning includes the following conditions:

1. The following land uses would be prohibited: Campground, Kennels, Convenience storage, Vehicle storage, Service station, Adult oriented businesses, Exterminating services, Pawn shop services, Alternative financial services, Bail bond services, and Commercial blood plasma center.
2. The following land use would be conditional: Automotive washing (of any type).

### **ISSUES:**

The Staff recommendation for CS-MU-CO-NP carries forward all of the prohibited land uses from the previous zoning case, as well as reflects the land uses that are prohibited on surrounding tracts.

### **PLANNING COMMISSION RECOMMENDATION:**

July 26, 2016: *TO GRANT CS-MU-CO-NP AS RECOMMENDED BY STAFF WITH THE ADDITIONAL CONDITION THAT OUTDOOR AMPLIFIED SOUND BE PROHIBITED, ON CONSENT, (8-1) [S. Oliver- 1<sup>st</sup>, J. Shieh-2<sup>nd</sup>; F. Kazi- Arrived late for vote; J. Schissler- Recused; J. Thompson, A. Pineyro-DeHoyos- Absent]*

July 12, 2016: *TO GRANT A POSTPONEMENT TO JULY 26, 2016, AS REQUESTED BY STAFF, ON CONSENT, (12-0) [J. Shieh- 1<sup>st</sup>, J. Schissler-2<sup>nd</sup>; N. Zaragosa, J. Mathias- Absent]*

**DEPARTMENT COMMENTS:** The subject property is zoned LI-CO-NP, and is currently occupied by a warehouse style building with a mix of uses inside. In addition some commercial and light industrial uses, there are personal improvement services occupying the building. The property is located at the northwest corner of Hidalgo Street and Pedernales Street. Immediately to the west are vacant properties zoned CS-MU-CO-NP. East of the subject property, across Pedernales are vacant parcels, as well as a bar, restaurant, and warehouse land uses. These are zoned CS-1-MU-CO-NP, CS-MU-CO-NP, and LR-MU-NP. The interior of the residential area, further east, is zoned SF-3-NP. Across Hidalgo Street to the south is the former Balcones Recycling property, which is now subject of the related rezoning request, East Sixth Street Village South (C14-2016-0041), which is requesting

a changed from LI-CO-NP to CS-V-CO-NP to redevelop as a mixed use building. An 18-foot wide alley ROW is located immediately north of the property, but there are no plans to construct alley improvements. North of the alley ROW are several commercial properties that have frontage on East 7<sup>th</sup> Street and are zoned CS-MU-CO-NP. Please refer to Exhibits A and B (Zoning Map and Aerial View).

This area was zoned in 2001 as part of the Holly Neighborhood Plan process, with the associated zoning case, C14-01-0166. This property, however, was a contested tract, and was processed later, in 2003. That zoning case, C14-01-0166.002b, modified the Neighborhood Plan and addressed this lot and other contested tracts. The 2003 zoning ordinance established LI-CO-NP zoning for the subject property, with customized lists of conditional and prohibited land uses for this and the other contested properties. The approved zoning ordinance for these properties is attached (Exhibit C – Existing Zoning Ordinance).

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LI-CO-NP	Personal improvement services, limited warehousing & distribution
<i>North</i>	CS-MU-CO-NP	Alternative financial services, vacant retail and restaurant
<i>South</i>	CS-V-CO-NP	Vacant warehouse – proposed East 6 <sup>th</sup> Street Village South
<i>East</i>	CS-MU-CO-NP, LI-CO-NP	Undeveloped, cocktail lounge, retail, restaurant, single famil residential
<i>West</i>	CS-MU-CO-NP	Vacant

#### **CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-01-0166 Holly Neighborhood Plan	CS to CS-CO-MU-NP, etc.	11/27/2001: Approved CS-CO-MU-NP (9-0)	12/13/2001: Approved
C14-01-0166.02a (contested tracts)	CS-CO-MU-NP, etc.	Approved LI-CO-NP	6/12/2003: Approved
C14-2009-0041 Central East Austin VMU Building (V) Zoning	GO-CO-NP to GO-V-CO-NP, CH-CO-NP to CH-V-CO-NP	9/8/2009: Approved Neighborhood rec for V for 2 tracts (8-0)	9/28/2009: Approved V (7-0)
C14-2013-0083 2400 E. 6 <sup>th</sup> Street	LI-CO-NP to CS-V-NP, as amended (original request-MF-6-NP)	1/14/2014: <i>GRANTED CS-V-CO-NP, ON CONSENT, (8-0-1). [HERNANDEZ-1<sup>ST</sup>, STEVENS - 2<sup>ND</sup>: HATFIELD ABSENT]</i>	5/15/2014: Approved
C14-2016-0003 2406 and 2406 ½ Hidalgo St	LI-CO-NP to CS-MU-NP	May 10, 2016: <i>TO 5/10/2016: GRANT CS-MU-CO-NP, ON CONSENT, (12-0) [J. Shieh- 1<sup>st</sup>, J. Schissler-2<sup>nd</sup>; N. Zaragosa, J. Mathias- Absent]</i>	6/16/2016: Approved

#### **ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Facility</b>	<b>Capital Metro (within ¼ mile)</b>
Hidalgo St	57'	27'	Collector	No	No	Yes
Alley to the north (unimproved)	18'	N/A	N/A	N/A	N/A	N/A

#### **SCHOOLS:**

Zavala Elementary School

Martin Middle School

Eastside Memorial HS at Johnston

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council  
 Artists and Neighbors Together (ANT)  
 East Austin Conservancy  
 Friends of Austin Neighborhoods  
 Pedernales Neighborhood Association  
 Del Valle Community Coalition  
 Tejano Town  
 El Concilio Mexican-American Neighborhoods  
 Austin Heritage Tree Foundation  
 Cristo Rey Neighborhood Association  
 Barrio Unido Neighborhood Association  
 United East Austin Coalition  
 Guadalupe Neighborhood Development Corporation  
 Friends of the Emma Barrientos MACC  
 Organization of Central East Austin Neighborhoods  
 Buena Vista Neighborhood Association  
 Holly Neighborhood Coalition  
 African American Cultural Heritage District Business Association  
 Preservation Austin  
 Sierra Club, Austin Regional Group  
 SELTexas  
 Blackshear Prospects Hills  
 Bike Austin

**CITY COUNCIL DATE & ACTION:**

August 11, 2016: *TO GRANT POSTPONEMENT TO SEPTEMBER 22, 2016, AS REQUESTED BY APPLICANT, ON CONSENT. (11-0) [K. Tovo- 1<sup>st</sup>, L. Pool- 2<sup>nd</sup>]*

September 22, 2016: *TO GRANT CS-V-CO-NP AS RECOMMENDED, FIRST READING ONLY, ON CONSENT. (10-0) [O. Houston- 1<sup>st</sup>, G. Casar- 2<sup>nd</sup>, E. Troxclair- Absent]*

October 13, 2016: *TO GRANT POSTPONEMENT TO NOVEMBER 10, 2016, AS REQUESTED BY APPLICANT, ON CONSENT. (9-0) [D. Zimmerman- 1<sup>st</sup>, S. Gallo- 2<sup>nd</sup>; S. Renteria, E. Troxclair- Absent]*

November 10, 2016: *TO GRANT POSTPONEMENT TO DECEMBER 8, 2016, AS REQUESTED BY APPLICANT, ON CONSENT. (11-0) [D. Zimmerman- 1<sup>st</sup>, O. Houston- 2<sup>nd</sup>]*

December 8, 2016: *TO GRANT POSTPONEMENT TO DECEMBER 15, 2016, AS REQUESTED BY APPLICANT, ON CONSENT. (10-0) [E. Troxclair- 1<sup>st</sup>, D. Zimmerman- 2<sup>nd</sup>; K. Tovo- Absent]*

December 15, 2016:

**ORDINANCE READINGS:** 1<sup>st</sup> 9/22/2016      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:** 512-974-2122

**SUMMARY STAFF RECOMMENDATION:**

Staff supports the Applicant's request, with the addition of conditional overlays. Staff's recommendation is general commercial service-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) with the following conditions:

1. The following land uses would be prohibited: Campground, Kennels, Convenience storage, Vehicle storage, Service station, Exterminating services, Pawn shop services, Scrap and salvage, Alternative financial services, Bail bond services, and Commercial blood plasma center.
2. The following land use would be conditional: Automotive washing (of any type), Indoor entertainment, Indoor sports and recreation, and Commercial off-street parking.

Staff supports the rezoning request because it reduces industrial-zoned properties in the area, and is a similar zoning classification to most surrounding parcels. The Staff recommendation for CS-MU-CO-NP carries forward all of the prohibited land uses from the previous zoning case, as well as reflects the land uses that are prohibited on surrounding tracts.

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

1. *Granting of the request should result in an equal treatment of similarly situated properties.*

The recommended CS-MU-CO-NP is identical to many of the surrounding parcels. Parcels in this area were rezoned with the Holly Neighborhood Plan in 2001 and 2003, and other rezonings in 2009 and 2014 have continued the trend. The existing zoning of LI-CO-NP is an outlier, compared to the surrounding properties.

2. *Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The recommended CS-MU-CO-NP is identical to many of the surrounding parcels, and will therefore promote similar land use development. Additionally, it is a down-zoning from a more intensive industrial zoning classification, which also reduces detrimental impacts.

**Site Plan:**

SP 1 Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. Hidalgo Street is an Urban Roadway.

**Transportation:**

- TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR2. A Traffic Impact Analysis may be required at the time of site plan.
- TR3. Alley improvements may be required at time of site plan.
- TR4. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR5. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Facility	Capital Metro (within ¼ mile)
Hidalgo St	57'	27'	Collector	No	No	Yes
Alley to the north (unimproved)	18'	N/A	N/A	N/A	N/A	N/A

**Environmental:**

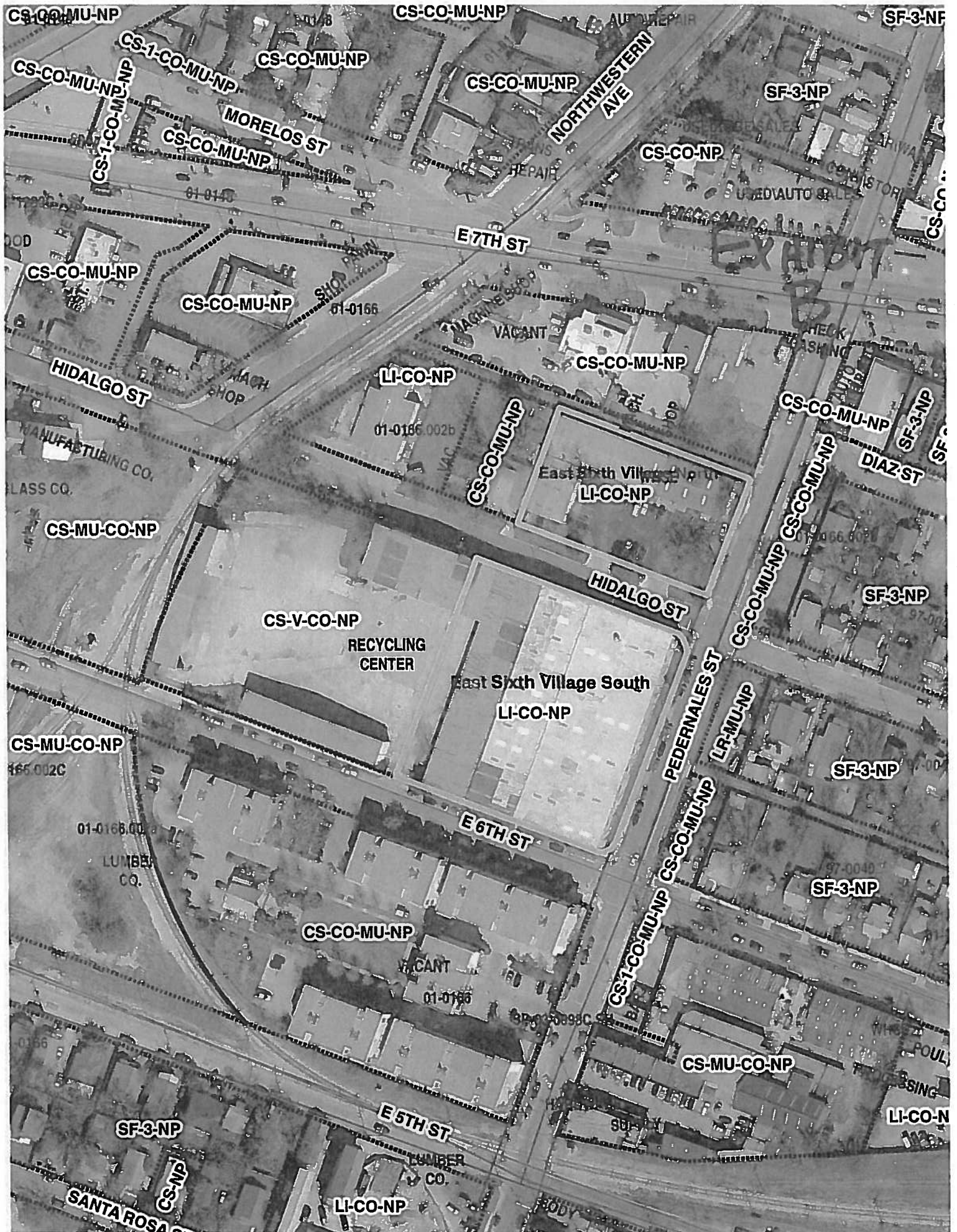
1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Ladybird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to 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. 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. 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.

**Water/Wastewater:**

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans 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.









**AN ORDINANCE AMENDING ORDINANCE NO. 011213-44, AND REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICT ON SEVEN TRACTS OF LAND IN THE HOLLY NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICTS ON THESE TRACTS OF LAND.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Ordinance No. 011213-44 is amended to include the property identified in this Part in the Holly neighborhood plan combining district. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district and to change the base districts on seven tracts of land described in File C14-01-0166.002b, as follows:

From limited industrial services (LI) district to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district.

2406 Hidalgo St.; Lot 1, Blk 14, Olt 23, Div A, Lincoln Place (Tract 8)

2406 Hidalgo St.; Lots 2-3 Blk 14, Olt 23, Div A, Lincoln Place (Tract 9)

2422 Hidalgo St. (Tract 10)

2415 East 5<sup>th</sup> St. (Tract 24)

0 East 5<sup>th</sup> St.; 20 feet from 5<sup>th</sup> St. r.o.w. Olt 10, Div O, Industrial Addn (Tract 25)

2419 East 5<sup>th</sup> St. (Tract 26)

2421 East 5<sup>th</sup> St. (Tract 27) (the "Property"),

generally known as the Holly neighborhood plan (NP) combining district, locally known as the property bounded by 7th Street on the north, Pleasant Valley Road on the east, Chicon Street on the west and Town Lake on the south, in the City of Austin, Travis County, Texas, and generally identified in Exhibit "A".

**PART 2.** The Property is subject to Ordinance No. 011213-44 that established the Holly neighborhood plan combining district.

**PART 3.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions.

1. The following uses are prohibited uses of Tracts 8 and 9:

Campground	Convenience storage
Exterminating services	Hotel-motel
Kennels	Liquor sales
Pawn shop services	Resource extraction
Scrap and salvage	Service station
Telecommunication tower	Vehicle storage

2. The following uses are conditional uses of Tracts 8 and 9:

Automotive washing (of any type)	Commercial off-street parking
Indoor entertainment	Indoor sports and recreation

3. The following uses are prohibited uses of Tracts 10, 24, 25, 26, and 27:

Basic industry	Liquor sales
Residential treatment	Scrap and salvage
General warehousing and distribution	Recycling center
Resource extraction	

4. The following uses are conditional uses of Tracts 24, 25, 26, and 27:

Light manufacturing	Art and craft studio (industrial)
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Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 4.** The Council waives the requirements of Section 2-2-3 and 2-2-7 of the City Code for this ordinance.

**PART 5.** This ordinance takes effect on August 11, 2003.

**PASSED AND APPROVED**

\_\_\_\_\_  
July 31, 2003

§  
§  
§  
\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ *for* **ATTEST:** \_\_\_\_\_  
Sedora Jefferson  
City Attorney  
Shirley A. Brown  
City Clerk



**Chaffin, Heather**

East 6<sup>th</sup> Street Village  
North

**From:** Sarah and Chris Robinson [REDACTED]  
**Sent:** Monday, May 16, 2016 8:15 PM  
**To:** Chaffin, Heather [REDACTED]  
**Cc:** Meredith, Maureen; [REDACTED]  
**Subject:** Public Hearing Comment - Case # C14-2016-0043

Heather:

I'd like to submit the following comments in regards to the series of public hearings on rezoning and neighborhood plan considerations. I will submit one for each case independently, but they are all related. I've copied Maureen, as the other comments and objections pertain to her cases (as I will copy you in turn on hers).

**Case Number:** C14-2016-0043

**We object to this proposal**

**Name:** Chris and Sarah Robinson

**Address Impacted:** 2500 Hidalgo

**Date:** 5/01/2016 (we're late in getting this to you, our apologies)

**Comments:** This neighborhood is not equipped to handle the influx of residents as proposed by the builders in this case and others. Traffic has not been well thought out and none of these plans would do anything to mitigate an already worsening situation. They would instead try to leverage existing roads and routes and exacerbate an escalating traffic situation. Independently, one of these projects may be acceptable, but as a collection they would put undo strain on a neighborhood plan intended for single family residences.

We will attempt to attend the hearings as possible, but with three scheduled it may be difficult to attend them all.

Regards,  
Sarah and Chris Robinson

## 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/planning](http://www.austintexas.gov/planning).

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.

*E. 6th Village North*

Case Number: C14-2016-0043

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Jul 12, 2016, Planning Commission

Aug 11, 2016, City Council

*AEC Apartments, LLC*

Your Name (please print)

*2900 E. 6th St.*

Your address(es) affected by this application

*See Attached*

Signature

Date

Daytime Telephone: *214-922-8545*

Comments:

☒ I am in favor  
☐ I object

*7/7/16*

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810



DATE: July 24, 2016


TO: MAUREEN.MEREDITH PLANNING AND ZONING DEPT.  
[Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov)

FROM: GLORIA MORENO, PRESIDENT  
PEDERNALES NEIGHBORHOOD ASSOCIATION

CC: Michael Whellen, Gavino Fernandez, Tracy Ekstrand

**SUBJECT:** CASE #'S C14-2016-0043 & C14-2016-0041

Dear Maureen,

 As President of Pedernales Neighborhood Association I am writing this letter to you to let you know that we have agreed to support the projects (CASE #'S C14-2016-0043 & C14-2016-0041) planned to be down-zoned from LI. We have also spoken and welcome these projects even though we do have concerns.

CONCERNS:

1. Heavy traffic will be infiltrating northbound and southbound on Pedernales Street. Pedernales Street already has ultra heavy traffic in the mornings and ultra heavy traffic in the afternoons. Our recommendation is that the project owner work with us to come up with a better solution.
2. We request the project owners to negotiate with us to have the cement buffers removed from the bike lanes. They are not needed and are causing many problems. They also narrow down the driving lanes on Pedernales Street from East 5<sup>th</sup> to E. 7<sup>th</sup> Street.
3. Amplified music and concerts should not be permitted on the premises.
4. Bookstores selling "R" Rated Materials should not be allowed.

We hope to be able to work together to keep our community safe and secure.

If you have any questions please do not hesitate to contact me.

Sincerely,  
Gloria Moreno