

ZONING CHANGE REVIEW SHEET

CASE: C14H-2017-0006
78 San Marcos Rezoning

P.C. DATE: May 23, 2017

ADDRESS: 78 San Marcos Street

DISTRICT: 3

AREA: 0.1423 ac. (6,198.59 s.f.)

OWNER: Carrie Altemus

AGENT: Thrower Design (A. Ron Thrower)

FROM: SF-3-NP

TO: LO-MU-H-NP

DESIRED DEVELOPMENT ZONE: Yes

NEIGHBORHOOD PLAN AREA: East Cesar Chavez

NATIONAL REGISTER HISTORIC DISTRICT: Willow-Spence

SUMMARY STAFF RECOMMENDATION:

Please note that this recommendation is based on the requested change of the base zoning category only, from SF-3 to LO-MU. Staff comments regarding the requested historic landmark (-H) designation are addressed in a separate report.

Staff supports the rezoning request from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-historic landmark-neighborhood plan (LO-MU-NP) combining district zoning, with conditions. Staff recommends the property be limited to only the land uses permitted in neighborhood office-mixed use (NO-MU) combining district. This would result in the following LO land uses being prohibited on the property: Communication Services, Medical Offices exceeding 5,000 square feet, Medical Office less than 5,000 square feet, Off-site Accessory Parking, Personal Services, Club or Lodge, Convalescent Services, Cultural Services, and Hospital Service (Limited).

HISTORIC LANDMARK COMMISSION:

April 24, 2017:

PLANNING COMMISSION RECOMMENDATION:

May 23, 2017:

ISSUES:

The subject property contains two buildings: a main building and a residential unit over a carport. It appears that the main building was originally used as a neighborhood grocery store in the 1920s. The main building has primarily, but not continuously, been used for various commercial uses since that time. When the neighborhood was rezoned during the East Cesar Chavez neighborhood planning process

(1998-2000), the property was being used by the Casa Guadalupe Catholic Center, which led to the property being designated as "Civic" on the Future Land Use Map (FLUM). Since religious assembly land use is permitted in SF-3-NP, there was no action to change the zoning at that time.

DEPARTMENT COMMENTS:

Existing Conditions. The subject property is located at the southwest corner of Spence Street and San Marcos Street. The property is zoned SF-3-NP and contains two buildings: a main building and a residential unit over a carport. Across San Marcos Street, to the east, is Sanchez Elementary School, which is also zoned SF-3-NP. Properties immediately to the west and across the alley to the south are zoned SF-3-NP and developed with single family residences, as are the properties directly north, across Spence Street. At the northeast corner of Spence Street and San Marcos Street, northeast of the subject property, is a property zoned SF-3-NP that is also designated "Civic" on the FLUM. This property is the offices of Hightower & Associates. The remainder of the block to the northeast across consists of lots zoned SF-3-NP and SF-3-H-NP that are developed with single family residences. *Please refer to Exhibits A and B (Zoning Map and Aerial Map).*

The nearest commercially zoned property is located northwest of the intersection of San Marcos Street and Holly Street. This property is zoned LR-MU-CO-NP and was previously used as a professional office. The structure currently appears to be unoccupied. The next closest non-residentially zoned property is located on the north side of Willow Street adjacent to the IH 35 Northbound frontage road. This property is zoned LO-MU-CO-NP and is undeveloped. Conditional overlays were applied to the LR-MU-CO-NP and LO-MU-CO-NP properties, as well as others in the neighborhood, during the neighborhood planning process.

Zoning Background. This area was zoned in conjunction with the East Cesar Chavez Neighborhood Plan in 1998-2000. Properties throughout the neighborhood were granted zoning classifications that reflected the existing land uses and previous zoning on the sites. City records show that the property was being used by the Casa Guadalupe Catholic Center, which led to the property being designated as "Civic" on the Future Land Use Map (FLUM). Since the religious assembly land use is permitted in SF-3-NP, there was no action to change the zoning at that time.

Historic District. 78 San Marcos Street is located within the boundaries of the Willow Spence National Register Historic District. The Willow-Spence Streets Historic District is comprised of 68 buildings, 38 of which are contributing and 30 of which are noncontributing. There is a variety of structures in the district, including two churches, two stores, and one parsonage. The majority of buildings are single family residential. The base district of property may be rezoned without affecting the historic status of the property; however, physical improvements to the house or other structures may require additional permits or approvals. *Please refer to Exhibit C (Historic District).*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Commercial, Residential
<i>North</i>	SF-3-NP, SF3-H-NP	Single family residences
<i>South</i>	SF-3-NP	Single family residences
<i>East</i>	SF-3-NP	Public primary educational facility
<i>West</i>	SF-3-NP	Single family residences, Professional office

RELATED CASES:

NUMBER	REQUEST	COMMISSION	COUNCIL
C14-2015-0109	SF-3-NP to GO- MU-NP	N/A Withdrawn by Applicant	N/A Withdrawn by Applicant
C14-00-2024 808 Spence Street	SF-3 to NO	N/A Withdrawn by Applicant	N/A Withdrawn by Applicant
C14-00-2102 East Cesar Chavez Neighborhood Plan (Associated Zoning File)	SF-3 to SF-3-NP	PC: Approved as Recommended by Staff	12114/2000: Council approved Ord No. 001214-20 with the following conditions on Tracts 68, 74, & 78. The following uses are prohibited uses on Tracts 68 and 74: Administrative and business offices, Agricultural sales and services, Automotive repair services, Adult oriented businesses, Automotive rentals, Automotive sales, Automotive washing (of any type), Business or trade school, Campground, Commercial off-street parking, Communications services, Consumer convenience services, Convenience storage, Drop-off recycling collection facilities, Equipment repair services, Exterminating services, Funeral services, General retail sales (general), Hospital services (limited), Indoor entertainment, Kennels, Limited warehousing and distribution, Maintenance and service facilities, Off-site accessory parking, Pawn shop services, Plant nursery, Research services, Restaurant (drive-in, fast food), Restaurant (general), Software development, Veterinary services, Outdoor entertainment, Transitional housing, Building maintenance services, Business support services, College and university facilities, Communications service facilities, Construction sales and services, Consumer repair services, Custom manufacturing, Electronic prototype assembly, Equipment sales, Financial services, General retail sales (convenience), Guidance services, Hotel-motel, Indoor sports and recreation, Laundry services, Local utility services, Medical offices (exceeding 5,000 s. f. of gross floor area), Outdoor sports and recreation, Personal improvement services, Professional office, Residential treatment, Restaurant (limited), Service station, Vehicle storage, Hospital services (general), Club or lodge, Transportation terminal. The following uses are conditional uses on Tracts 68 and 74: Art and craft studio (general), Congregate living, Cultural services, Medical office-not exceeding 5,000 square feet of gross floor area, Theater, Art and craft studio (limited), Counseling services, Food sales, Personal services, Pet services.
C14H-2009-0002 1001 Willow Street	SF-3-NP to SF-3-H- NP	HLC: 2/23/2009 PC: 2/23/2009 App. as Rec. by	4/23/2009: Ord. No. 20090423-085 Approved as Recommended by Staff

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
San Marcos Street	56 ft.	30 ft.	Collector	No	No	Yes
Spence Street	50 ft.	30 ft.	Local	Yes	No	Yes

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council East Austin Conservancy Waller Creek Conservancy
 East Town Lake Citizens Neighborhood Organization
 El Concilio Mexican-American Neighborhoods
 The Shore Condominium Association, Inc.
 East Cesar Chavez Neighborhood Planning Team
 Friends of Rainey Street Historic District
 United East Austin Coalition
 Sierra Club, Austin Regional Group
 AISD
 Del Valle Community Coalition
 PODER
 Friends of Austin Neighborhoods
 TejanoTown
 Downtown Austin Neighborhood Association
 Austin Heritage Tree Foundation Friends of the Emma Barrientos MACC Preservation Austin
 Guadalupe Neighborhood Development Corporation
 SELTexas
 Rainey Business Coalition

CITY COUNCIL DATE/ACTION:

April 20, 2017:

ORDINANCE READINGS:ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin

E-MAIL: heather.chaffin @austintexas.gov

PHONE: 512-974-2122

STAFF RECOMMENDATION:

Please note that this recommendation is based on the requested change of the base zoning category only, from SF-3 to LO-MU. Staff comments regarding the requested historic landmark (-H) designation are addressed in a separate report.

Staff supports the rezoning request from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-historic landmark-neighborhood plan (LO-MU-NP) combining district zoning, with conditions. Staff recommends the property be limited to only the land uses permitted in neighborhood office-mixed use (NO-MU) combining district. This would result in the following LO land uses being prohibited on the property: Communication Services, Medical Offices exceeding 5,000 square feet, Medical Office less than 5,000 square feet, Off-site Accessory Parking, Personal Services, Club or Lodge, Convalescent Services, Cultural Services, and Hospital Service (Limited).

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

City Code states that,

"Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

The existing and historic uses of the property demonstrate the property's use as office and commercial. By further reducing the land uses to Neighborhood Office (NO) uses, the property will have less intense uses occupying the property.

2. ***Zoning should allow for reasonable use of the property.***

Under the current SF-3-NP zoning, the main building, which has a commercial façade and finish out, could only be used for residential land use. Since the current land use and structures do not comply with SF-3 regulations, it may not be possible to obtain permits for remodel or redevelopment of the property. Additional site information is needed to make this determination.

SITE PLAN

SP1. Site plans will be required for any new development other than single-family or duplex residential.

SP2. 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.

SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP4. The site is subject to compatibility standards. Along the west property line, the following standards apply:

No structure may be built within 25 feet of the property line.

No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

No parking or driveways are allowed within 25 feet of the property line.

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.

For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

SP5. FYI- This site is located within the following overlays- National Register of Historic District Overlay, the East Cesar Chavez NP, and the Convention Center Conditional Overlay additional comments may be generated during the site plan review process.

TRANSPORTATION

TR 1. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR 2. Chad Crager, 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.

TR 3. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR 4. FYI – it does not appear that on-site parking is provided for the existing office. The on-site parking shall comply with the LDC and TCM parking requirements during the site plan application.

TR 5. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
San Marcos Street	56 ft.	30 ft.	Collector	No	No	Yes
Spence Street	50 ft.	30 ft.	Local	Yes	No	Yes

ENVIRONMENTAL

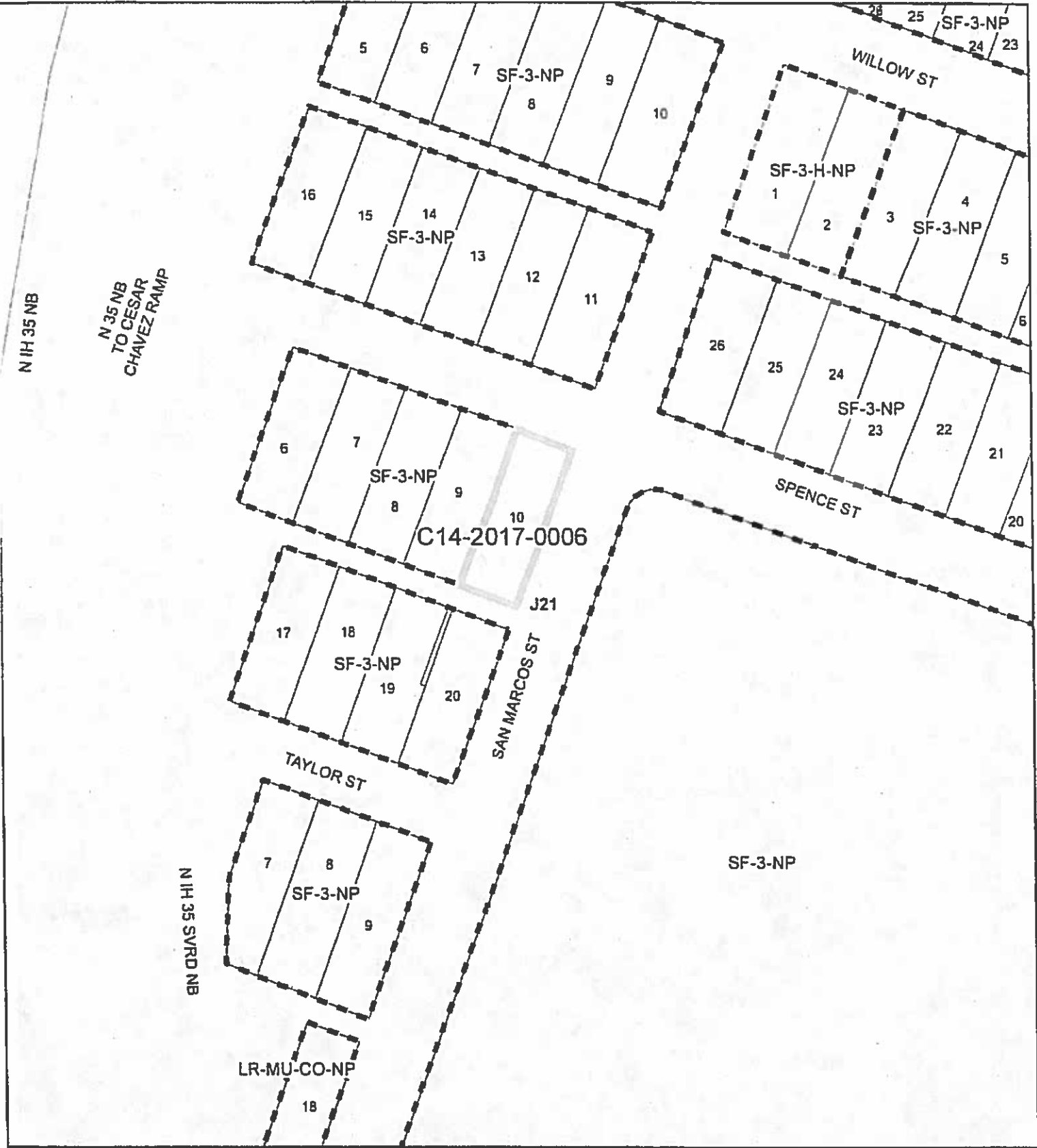
1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Ladybird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious 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. 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.

WATER UTILITY

WW1. 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 and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

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1" = 100'

- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- CREEK BUFFER

ZONING
 ZONING CASE#: C14-2017-0006
 LOCATION: 79 SAN MARCOS ST.
 SUBJECT AREA: .14 ACRES
 GRID: J21
 MANAGER: HEATHER CHAFFIN



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Thrower Design

510 S. Congress Avenue, Ste. 207
P. O. Box 41957
Austin, Texas 78704
(512) 476-4456

January 25, 2017

Mr. Greg Guernsey
Director
Planning and Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767

RE: Rezoning, 78 San Marcos Street

Dear Mr. Guernsey,

This firm represents the owner of the property for the above referenced address. The following application for rezoning is being submitted and is associated with the NPA application, currently under review by the City of Austin, NPA-2016-0002.01.

The property is located in the East Cesar Chavez Neighborhood Planning Area, is a contributing structure to the Willow-Spence National Register Historic District, and has SF-3-NP zoning. The SF-3 zoning district does not conform to the longstanding commercial use of the site, established in the 1930's. The Owner wishes to rectify the non-conformity and also seek historic zoning so as to further protect the historic buildings onsite.

A rezoning to Neighborhood Office-Mixed Use-Historic Site-Neighborhood Plan (LO-MU-H-NP) is requested with this application. The LO-MU combining district will allow small scale offices uses that are neighborhood serving and will also allow the property to be used, in whole or part, for residential purposes. Additionally, the Historic Site (H) overlay will ensure that the historic structures will remain on the property which is congruent with the recommendations made in the most recent East Austin Historic Resources Survey, completed in 2016.

A successful rezoning to LO-MU-H-NP will benefit the community by providing certainty of future use of the property and will provides space for a compatible use that is neighborhood serving and

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will substantially increase preservation of the character of the Historic District. With this, we respectfully request favorable consideration and support for the rezoning to LO-MU-H-NP.

Should you have any questions or need additional information, please contact me at my office.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower