

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Govalle/Johnston Terrace Combined

CASE#: NPA-2017-0016.06

DATE FILED: December 1, 2017 (Out-of-cycle)

PROJECT NAME: Leija Villas

PC DATE: February 13, 2018

ADDRESSES: 3305 & 3309 Hidalgo Street

DISTRICT AREA: 3

SITE AREA: 0.615 acs

OWNER/APPLICANT: Dr. Graciela Leija, M.D.

AGENT: Michael Moran

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Mixed Use/Office

Base District Zoning Change

Related Zoning Case: C14-2017-0150

From: SF-3-NP and SF-3-CO-NP

To: LO-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: March 27, 2003

PLANNING COMMISSION RECOMMENDATION:

February 13, 2018 -

STAFF RECOMMENDATION: Recommended.

BASIS FOR STAFF'S RECOMMENDATION: Staff supports the applicant's request for Mixed Use/ Office land use is appropriate for this area with an existing mix of land uses.

Land Use Goals

Goal 1: **Adjacent land uses should be compatible.** (Sector Plan)²

Key Principles: Address the “over-zoning” of properties in the Govalle/Johnston Terrace Neighborhood Planning Area. (Sector Plan and modified by Gov/JT)

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

Goal 2: **Preserve and protect current and future single-family neighborhoods.** (Gov/JT)

Key Principles: Initiate appropriate rezoning to preserve and protect established and planned single-family neighborhoods. (Gov/JT)

Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods. (Sector Plan)

Encourage higher density non-residential land uses to locate near major intersections and in industrial districts/business parks. (Sector Plan)

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

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

Encourage mixed use so that residential uses are allowed on some commercial properties. (Gov/JT)

Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a convenient and walkable environment. (Gov/JT)

Goal 4: **Create and preserve a sense of “human scale” to the built environment of the neighborhood.** (Gov/JT)

Key Principles: Ensure that new development and redevelopment respects the existing scale and character of the planning area. (Gov/JT)

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

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.

Purpose

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PROPOSED LAND USE ON THE PROPERTY

Mixed Use/Office - An area that is appropriate for a mix of residential and office uses.

Purpose

1. Accommodate mixed use development in areas that are not appropriate for general commercial development; and
2. Provide a transition from residential use to non-residential or mixed use.

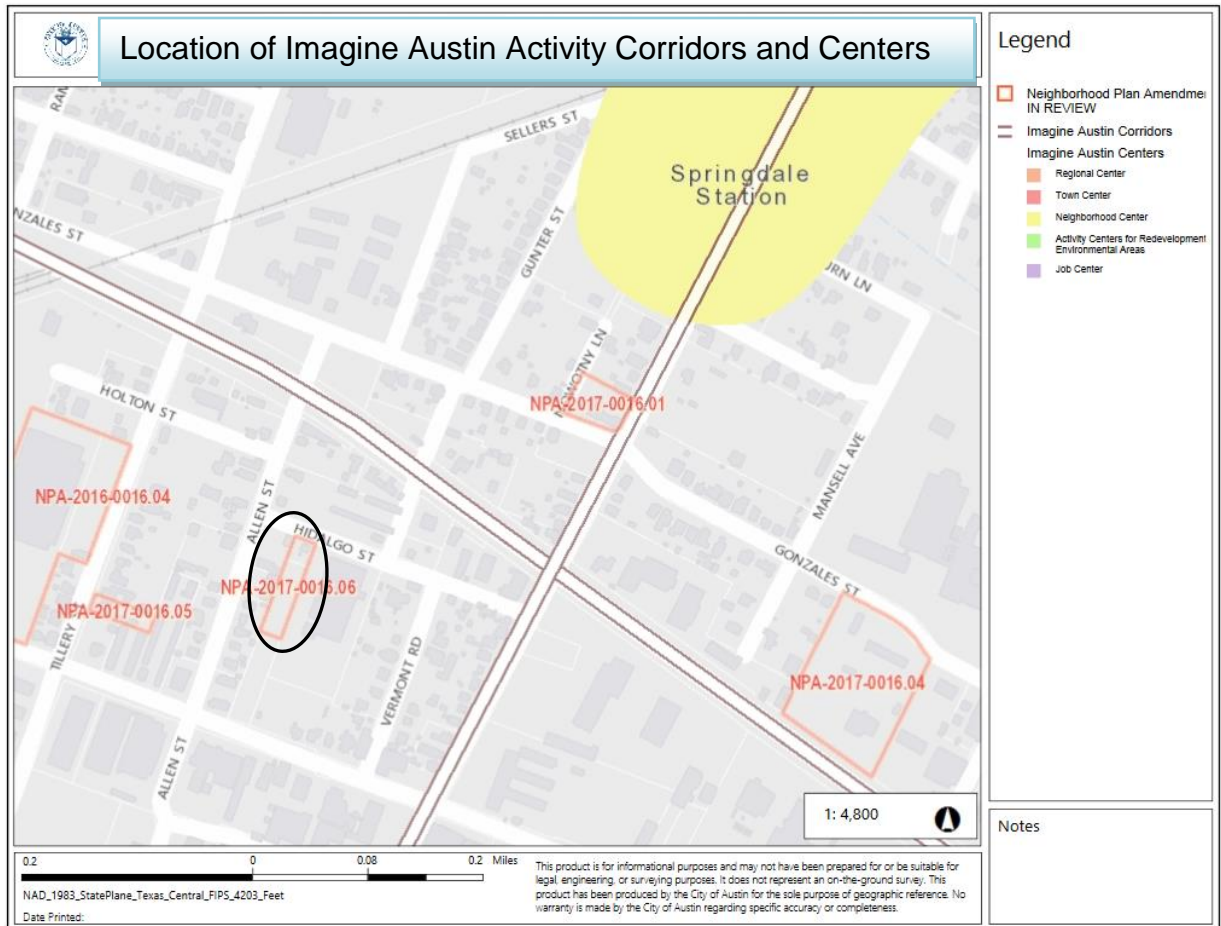
Application

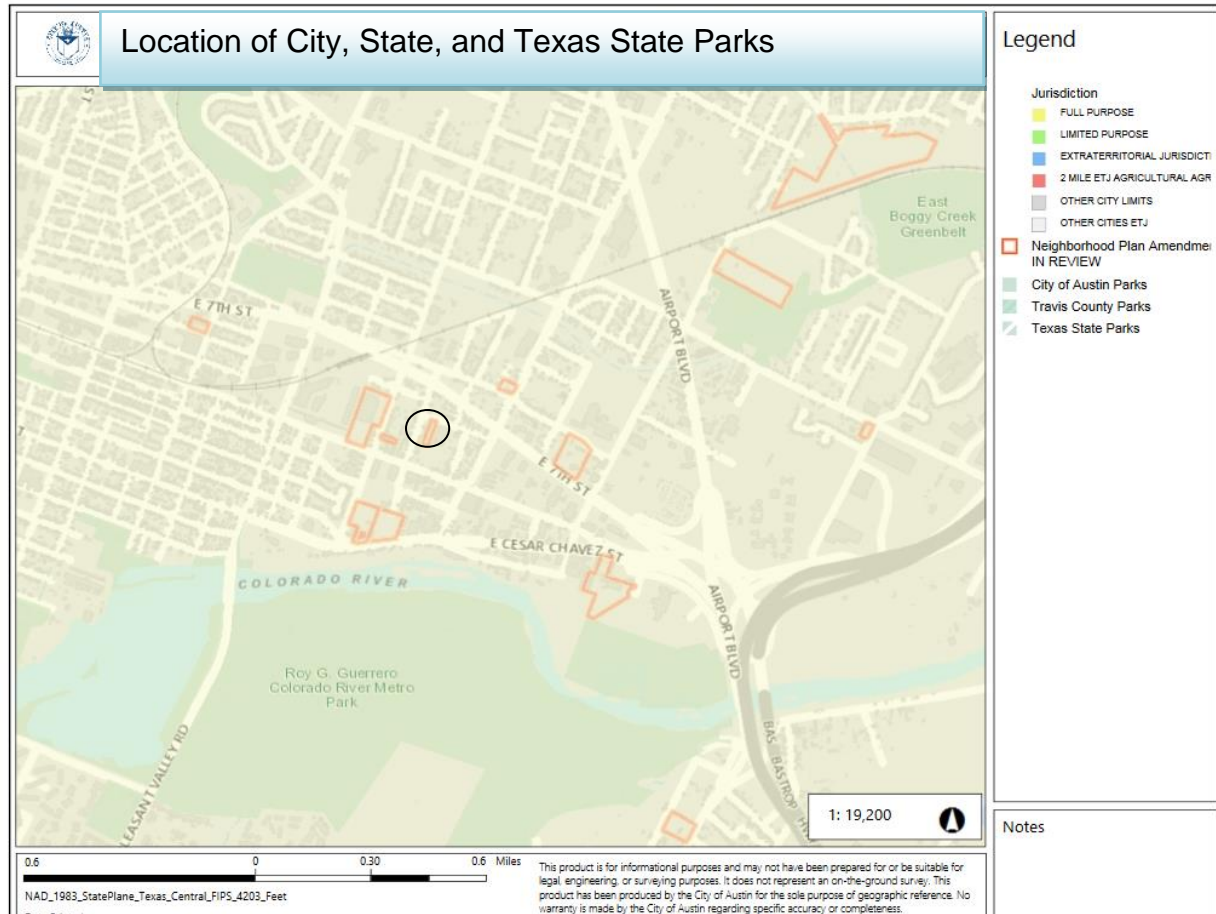
1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
2. May be used to encourage commercial uses to transition to residential use; and
3. Provide limited opportunities for live/work residential in urban areas.

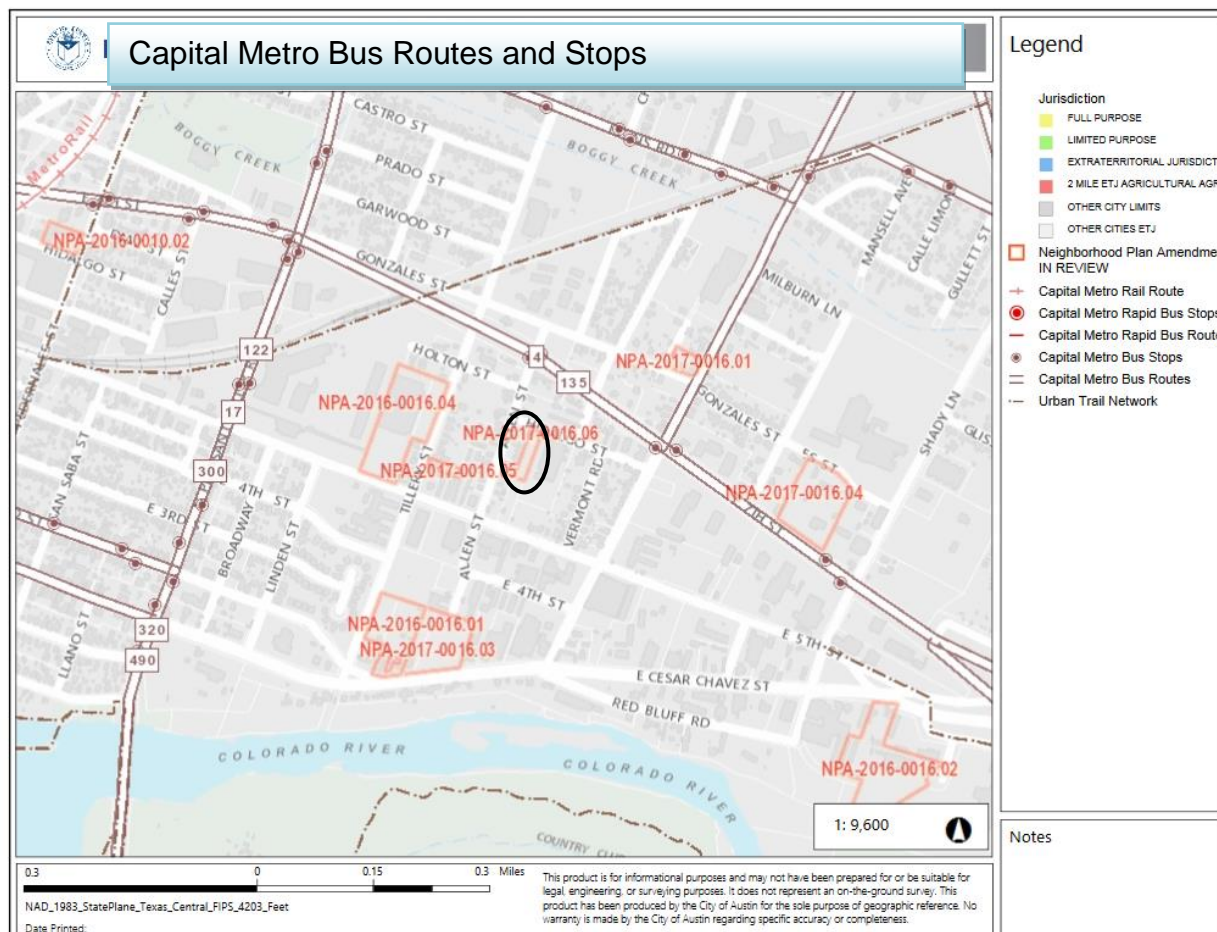
IMAGINE AUSTIN PLANNING PRINCIPLES

1. 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 proposed LO-MU zoning would allow for residential uses in addition to office uses, although the applicant's stated purpose for the rezoning is for a detention pond required for the medical clinic building to be built on the southern portion of the tract. The property is located in an area with a mix of commercial uses and near Brooke Elementary School.***
2. 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 located south and west of Activity Corridors, but not near or within an Activity Center. The property is near Capital Metro bus routes***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***The property could be considered an infill site, although it is not located within an Imagine Austin activity center or activity corridor.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The proposed zoning of LO-MU would allow for a limited number of residential uses, in addition to office uses. The applicant stated that the property could possibly have two residential units in addition to the detention pond.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.

- ***The applicant's request for Mixed Use/Office land use and LO-MU zoning is compatible with the surrounding land uses.***
6. 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 within an environmentally sensitive area.***
 7. 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.***
 8. Protect, preserve and promote historically and culturally significant areas.
 - ***There are no historic or culturally significant structures on the property.***
 9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - ***The applicant proposes to build a medical clinic on the property directly to the south. The property proposed to be rezoned is proposed for the necessary detention pond in conjunction with medical clinic.***
 10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - ***Not directly applicable.***
 11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
 - ***Not applicable.***
 12. 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.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

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 application was filed on December 1, 2017, which is out-of-cycle for neighborhood planning areas located on the east side of IH-35, which has a July open period. The Govalle/Johnston Terrace NPCT supported the out-of-cycle application.

The applicant is proposing to change the land use on the future land use map from Single Family to Mixed Use/Office. There is an associated zoning change request to change the zoning from SF-3-NP and SF-3-CO-NP to LO-MU-NP. The owner of the property also owns the one acre tract directly to the south that is zoned GR-MU-CO-NP which was rezoned in 2010 for a medical clinic. When the applicant submitted the site plan for the medical clinic, the applicant discovered

that that the detention pond which was required to be built for the medical clinic could not be built on residentially-zoned property which necessitated the application to rezone this property to a commercial zoning district.

For more information on the zoning case, please see case report C14-2017-0150.

PUBLIC MEETINGS: The ordinance-required community meeting was held on January 22, 2018. Approximately 267 meeting notices were mailed to people who live or own property within 500 feet of the property, in addition to neighborhood organizations and environmental groups who requested notification for the area through the Community Registry. Seven citizens attended the meeting including one staff member and two people representing the owner/applicant.

After staff gave a brief overview of the planning process and the applicant's request, Michael Moran, the applicant's agent and Sandra Leija, the owner's sister and office manager, made the following presentation.

Michael Moran said this property, 3305 and 3309 Hidalgo and the property to the south, is owned by Dr. Graciela Leija who plans to construct a medical clinic on the property to the south, which is zoned GR-MU-CO-NP. During the site plan process, they discovered that the detention pond necessary to be built for the development of the medical clinic, cannot be built on residentially zoned property so they submitted a zoning change application to change the zoning on this property from SF-3-CO-NP and SF-3-NP to LO-MU-NP. When they met with the Govalle/Johnston Terrace Neighborhood Plan Contact Team seeking permission to file out-of-cycle, they suggested the LO-MU-NP zoning as oppose to the original request for GR-MU-NP to match the zoning on the property where the medical clinic will be built.

Q. How many stories will the medical clinic be?

A. Two stories.

Q. Where will the water flow off the property?

A. The water will flow into a pipe and then down the storm sewer.

Q. What will be the volume of water?

A. I don't know the answer to that, but it will be a new sewer. I don't think it will be a lot.

Q. Where will the water flow from the parking lot of the medical clinic?

A.

Q. Will the Limited Office zoning allow retail uses?

A. No.

Q. Do you have plans to develop the lots with the proposed detention pond for any other use?

A. We might build duplexes, but nothing is finalized.

Q. If you get the zoning, how long would it take to build?

A. About ten months.

Q. Where will the dumpster be place for trash pick-up?

A. Along E. 5th Street.

Q. In your presentation you mentioned there will be flex-space in the medical office building. What will that be used for?

A. Maybe we will lease it out for another medical professional or any other GR use.

Q. What will happen to the palm trees?

A. Those might have to be removed; perhaps one tree might be saved. We would like to save them, but we will mitigate as the City requires.

Q. What will you do with the wildlife like the raccoons, rats and other creatures that live on the vacant land now?

A. That's a good question. I'll have to look into that.

Q. Do you have a landscape plan that shows where the new trees will be planted?

A. We're not developing that side, so we don't need to provide that information.

Q. Is the drainage plan finalized?

A. Yes.

Q. Will you demolish the house on the property now?

A. Yes, unless someone wants to move it elsewhere.

After the Q and A, Mr. Moran and Ms. Leija committed to working with property owners along Allen Street to prohibit uses allowed in the LO – Limited Office zoning district that they have possible issues with.

CITY COUNCIL DATE: March 22, 2018

ACTION:

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: maureen.meredith@austintexas.gov

Applicant Summary Letter

Summary Letter
3305 & 3309 Hidalgo St. Rezoning

We are requesting a zoning change from the City of Austin at 3305 & 3309 Hidalgo st. from SF3-CO-NP to LO-MU-CO-NP, in order to build our health clinic. Our site plan includes the above two lots and our adjacent lot 3306 E 5th st, which is currently zoned GR-MU-CO-NP. The health clinic building will reside on the adjacent and adjoining lot on 3306 E 5th st.

After meeting with the neighborhood Contact Team in September, the team supported our plan for rezoning the Hidalgo lots to the LO-MU designation. As part of our site plan, we are complying with the City's rules and regulations. We hope that our plan will have a positive impact on the area and neighboring properties and look forward to hearing any feedback from our neighbors.

Regards,

Dr. Graciela Leija MD

Letter of Support and Out-of-Cycle Permission from the
Govalle/Johnston Terrace NPCT

On Wed, Nov 15, 2017 at 11:29 AM,
Daniel Llanes

Ms. Meredith,

Please accept this email as notice and confirmation that the **Govalle/Johnston Terrace Neighborhood Plan Contact Team** heard a presentation from the applicant on September 30th. This is a case whose initial zoning change application was approved by the Contact Team several years ago.

At this presentation the applicant stated that they need a further change in zoning on one of the lots in order to comply with City watershed regulations and complete the project. After review and discussion, the Contact Team agreed to

support an out of cycle plan amendment application request

and

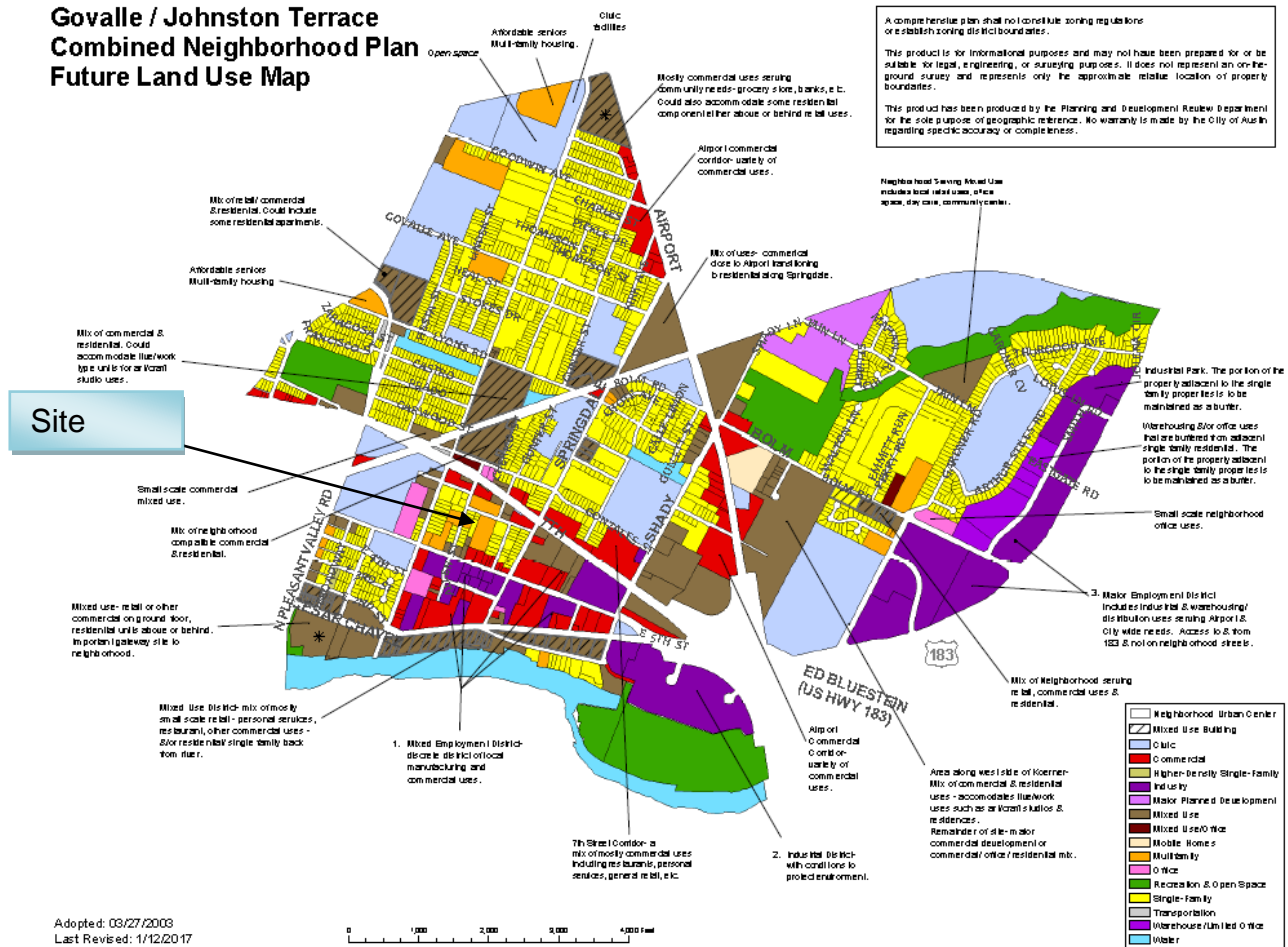
Support for a zoning change 3305 and 3309 Hidalgo from SF3 to LO-MU-CO-NP.

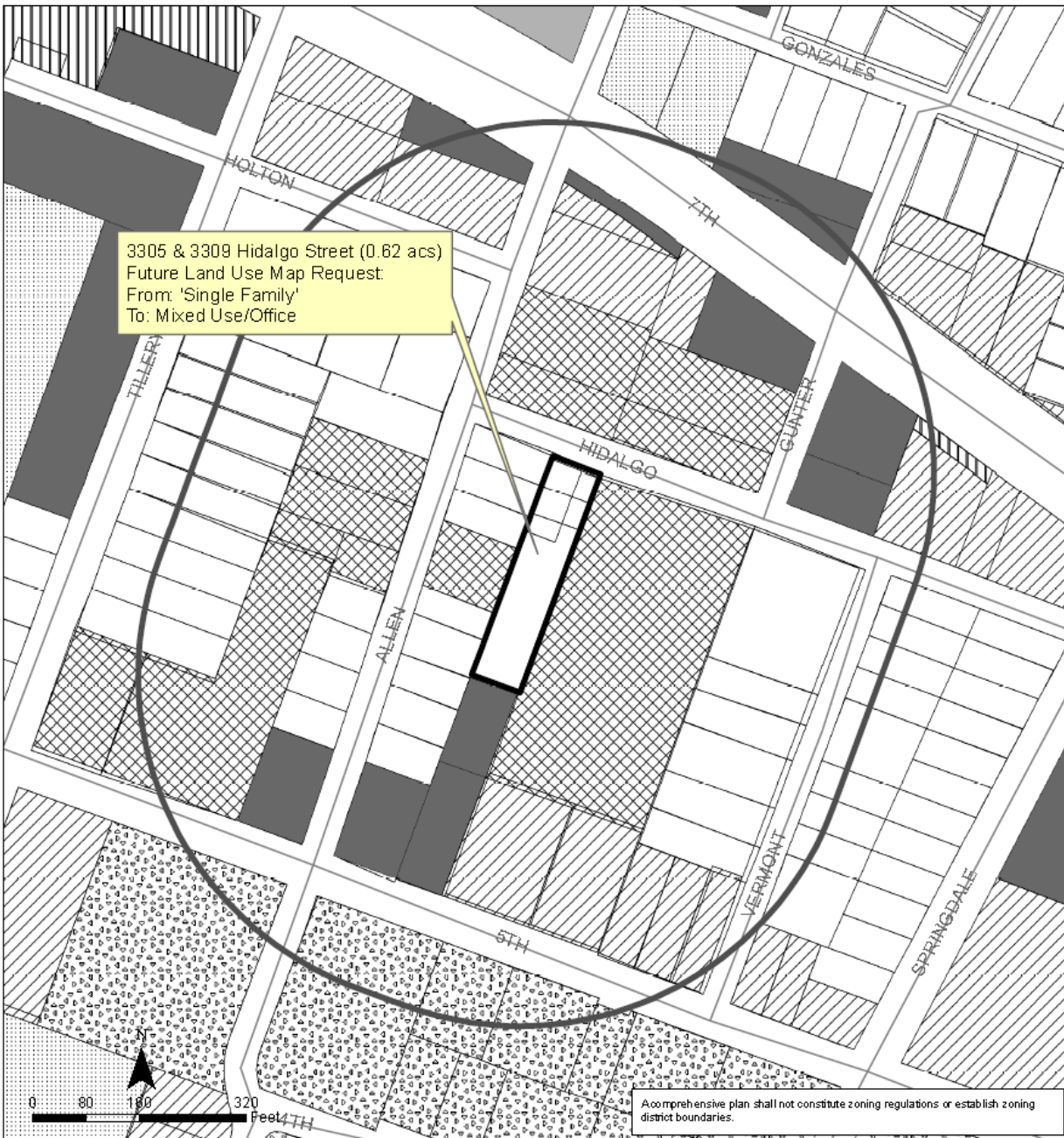
Please contact me if you need any further information regarding this case.

thank you,

Daniel Llanes, Chair
G/JTNP Contact Team

Govalle / Johnston Terrace Combined Neighborhood Plan Future Land Use Map





Govalle/Johnston Terrace Combined Neighborhood Planning Area NPA-2017-0016.06

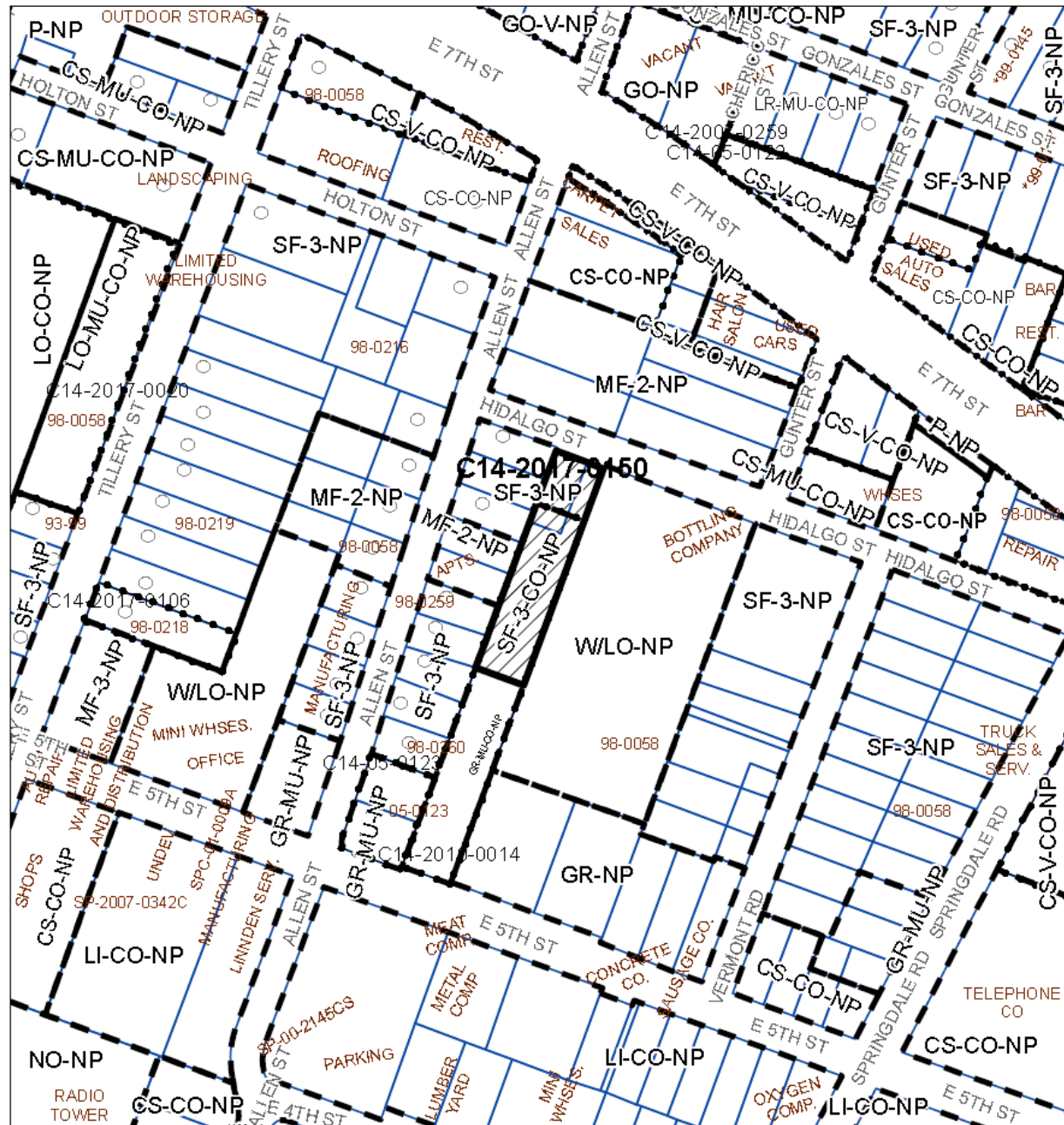
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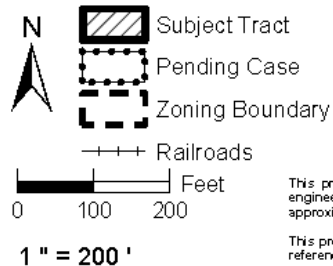
Future Land Use

	500 ft. Notif. Boundary		Office
	Subject Property		Mixed Use/Office
	Single-Family		Industry
	Higher-Density Single-Family		Civic
	Multi-Family		Transportation
	Commercial		Water
	Mixed Use		



ZONING

Case#: C14-2017-0150

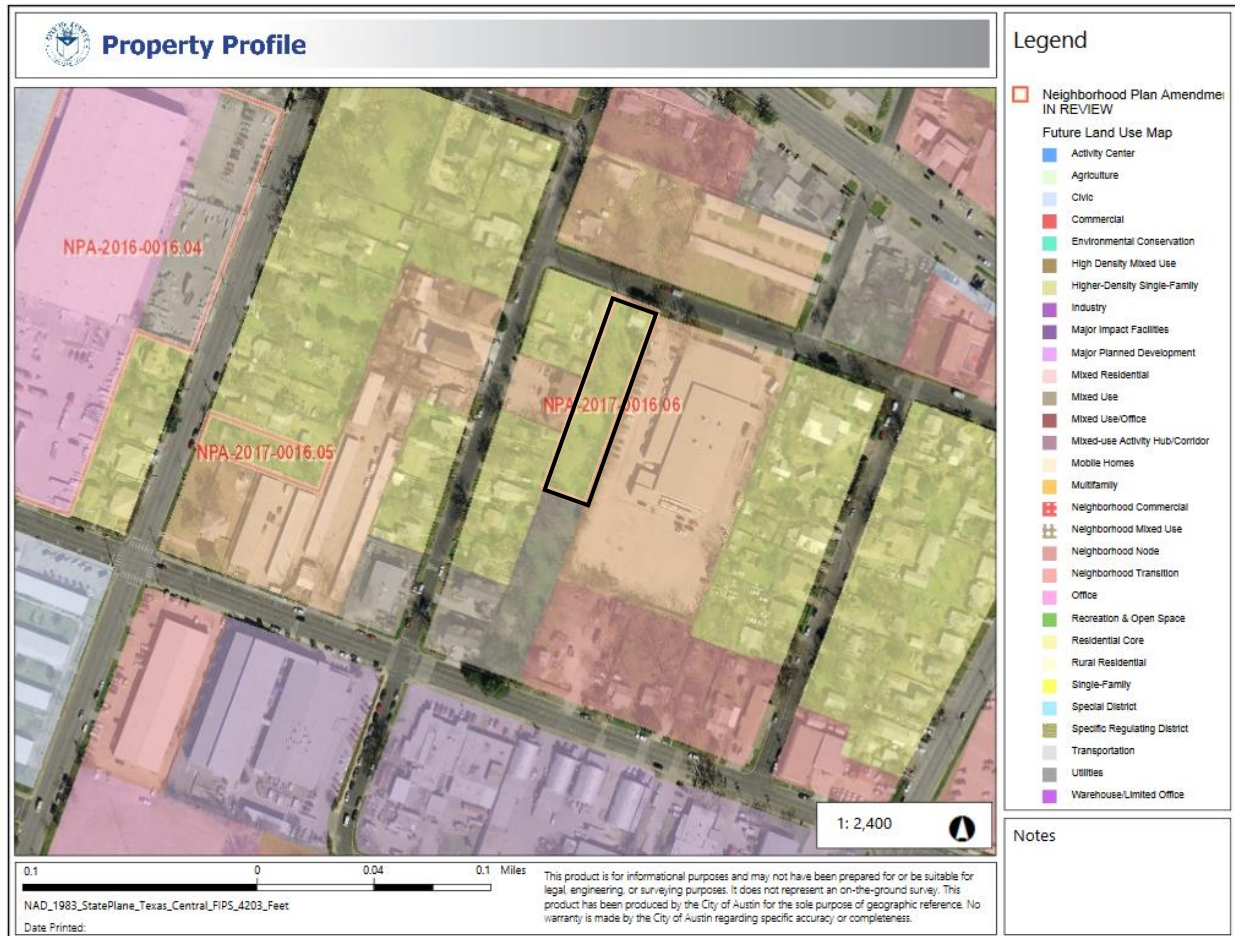


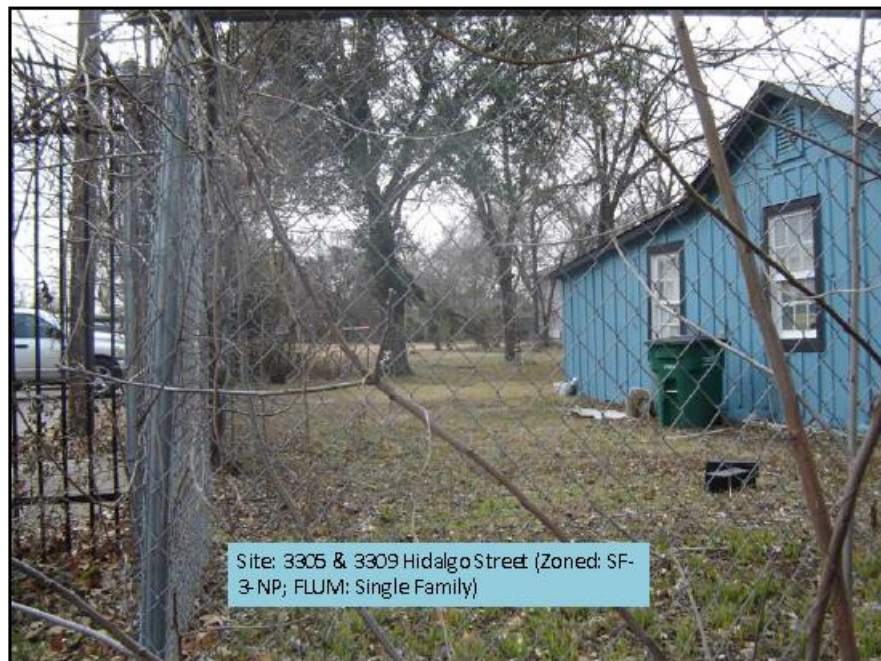
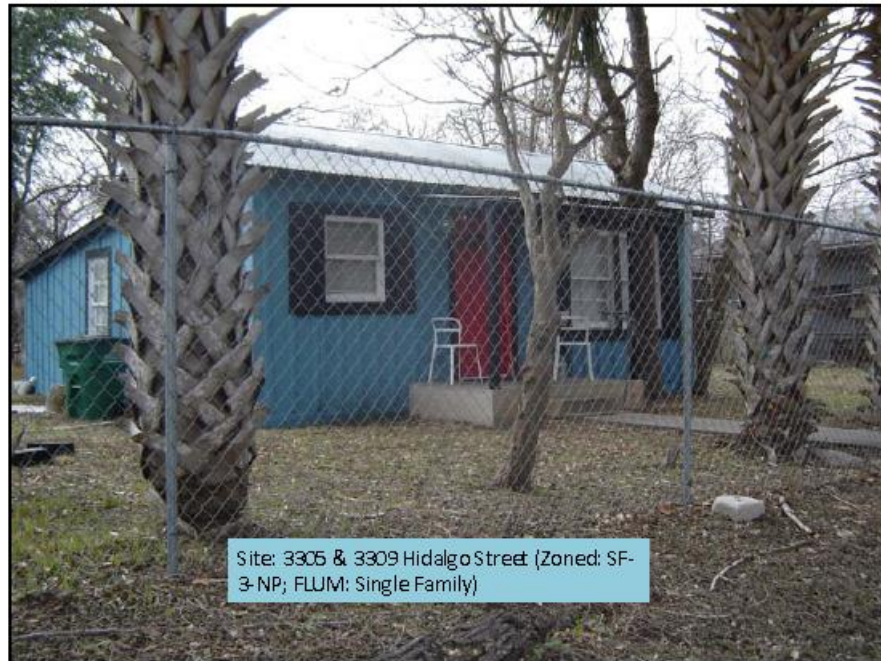
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Created: 12/13/2017

















Applicant Criteria Worksheet submitted by the Applicant's Agent

Provide this information with your plan amendment application.

Taken From: Article 16: Neighborhood Plan Amendment Ordinance

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The applicant must demonstrate that:

- (1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;

Does this criterion apply to your proposed plan amendment application? ☐ Yes ☒ No

If there was a mapping error, explain here and provide documentation: _____

- (2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;

Does this criterion apply to your application? ☐ Yes ☒ No

If this condition applies, explain here _____

- (3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; and

(b) denial would result in a hardship to the applicant;

Does this criteria apply to your application? ☒ Yes ☐ No

If yes, explain here _____ The applicant's original site plan to build the health clinic was approved in 2010. The site plan had subsequently expired, and reapplied. The owner has spent over \$50,000 in fees.

- (4) the proposed project:

(a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations;

Does this criterion apply to your application? ☒ Yes ☐ No

If yes, explain here _____ The proposed offsite drainage plan and new storm sewer at Hidalgo st. should provide a benefit to the areas residents.

_____ or

(b) promotes the recruitment or retention of an employment center with 100 or more employees;

Does either one of these criterion apply to your application? ____x__ Yes ____ No

If yes, explain here _____ see above

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

List the goals and objectives from the plan that you feel support your plan amendment request, along with your rationale for why it meets these goals/objectives. Use separate document if necessary:

The neighborhood plan supports improvements that benefit the neighborhood. The proposed health clinic should have a positive impact in serving people in the local area. _____

(You can find the plan document here: <http://austintexas.gov/page/adopted-neighborhood-planning-areas-0>)

or

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

Is this a S.M.A.R.T. Housing project? ____ Yes ____x__ No

If yes, explain here and provide the letter from Neighborhood Housing and Community Development _____

(C) The applicant must demonstrate that:

(1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property;
https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE

and

- (2) the proposed amendment is consistent with sound planning principles. (See attached)

LAND USE PLANNING PRINCIPLES

You can find the Guide to Land Use Standards here:

<http://www.austintexas.gov/department/neighborhood-planning-resources>

Please **DESCRIBE** how your proposed plan amendment request will meet these principles. If you believe a principle does not apply to your proposed plan amendment application, write "Not applicable".

1. Ensure that the decision will not create an arbitrary development pattern;

Provide your analysis here: The proposed zoning LO-MU-NP-CO, is more restrictive than the adjoining lot zoned GR-MU-NP-CO. This designation was supported by the Govalle – Johnston Terrace contact team and is not contrary to other development in the area.

2. Ensure an adequate and diverse supply of housing for all income levels;

Provide your analysis here: Not applicable

3. Minimize negative effects between incompatible land uses;

Provide your analysis here: The restrictive nature of the LO-MU-NP-CO zoning will ensure that the land use is compatible with the neighboring properties. Also the compatibility standards and setbacks imposed by the City

4. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;

Provide your analysis here: The proposed site plan for this property is for a health clinic with the Owner specializing in Internal Medicine.

5. Discourage intense uses within or adjacent to residential areas;

Provide your analysis here: _____

6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;

Provide your analysis here: The proposed development should benefit the neighborhood by providing local healthcare.

7. Minimize development in floodplains and environmentally sensitive areas;

Provide your analysis here: Not Applicable.

8. Promote goals that provide additional environmental protection;

Provide your analysis here: Following all environmental guidelines such as tree mitigation and drainage improvements.

9. Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);

Provide your analysis here: Not Applicable

10. Ensure adequate transition between adjacent land uses and development intensities;

Provide your analysis here: _____

11. Protect and promote historically and culturally significant areas;

Provide your analysis here: _____

12. Recognize current City Council priorities; (Look at the Imagine Austin Comprehensive Plan Document found here: <http://austintexas.gov/department/imagine-austin-download-center>. Appendix E. Framework for Decision Making, pages A-57 through A-58.)

Provide your analysis here: _____

13. Avoid creating undesirable precedents;

Provide your analysis here: _____

14. Promote expansion of the economic base and create job opportunities;

Provide your analysis here: _____

15. Ensure similar treatment of land use decisions on similar properties;

Provide your analysis here: _____

16. Balance individual property rights with community interests and goals;

Provide your analysis here: _____

17. Consider infrastructure when making land use decisions;

Provide your analysis here: _____

18. Promote development that serves the needs of a diverse population.
Provide your analysis here: The proposed health clinic provides services to a full range of
patient population.
