ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0034 – Andy G's DISTRICT: 3

ZONING FROM: CS-MU-CO-NP and CS-1-MU-CO-NP

TO: CS-MU-NP (Tract 1) and CS-1-MU-CO-NP (Tract 2), as Amended

ADDRESS: 2715 East 5th Street and 420 N. Pleasant Valley Road

SITE AREA: 0.42 acres

PROPERTY OWNER:
QAAZ International, LLC.
(Mohammad Ghulam)

AGENT:
Bennett Consulting (Rodney Bennett)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:
Staff supports the Applicant's request for rezoning to CS-MU-NP (Tract 1) and CS-1-MU-CO-NP (Tract 2). The conditional overlay on Tract 2 would prohibit Cocktail lounge land use. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:
July 10, 2018:

CITY COUNCIL ACTION:
August 9, 2018:

ORDINANCE NUMBER:

ISSUES

The subject property is currently developed with a small mixed use shopping center; a portion of the site is zoned CS-MU-CO-NP and a portion is zoned CS-1-MU-CO-NP. The property owner leased a space to a liquor store, but later realized that the proposed liquor store was located in the CS zoned portion, not the CS-1 portion. The Applicant proposes rearranging the location of the CS and CS-1 zoned portions of the property, and reducing the overall square footage of CS-1 zoning on the site. The Applicant also proposes prohibiting Cocktail lounge on the CS-1 zoned portion of the site.

CASE MANAGER COMMENTS:

The subject property is located at the southwest corner of East 5th Street and North Pleasant Valley Road. The site is developed with a shopping center as well as 10 multifamily units. The property is comprised of 4 lots. The northern 3 lots of the property are zoned CS-1-MU-CO-NP; the southern lot of the property is zoned CS-MU-CO-NP. The shopping center has tenants including a convenience store, a laundromat, and a mobile phone store. As stated above, a liquor store is intended to be a tenant, but the storefront is in the CS portion of the property, not the CS-1 portion.

The property is bounded by Pace Street on the west, East 5th Street on the north, and North Pleasant Valley Street on the east. Across 5th Street to the north is a vehicle storage yard zoned CS-MU-CO-NP. Northeast, across the intersection with Pleasant Valley, is the Capital Metro office building. East of the property, across Pleasant Valley are properties zoned GR-MU-NP that are developed with office and single family residential. Southeast is property zoned MF2-NP developed with single family residences and a furniture repair shop. Immediately south of the rezoning tract is a food sales business which is zoned CS-1-MU-CO-NP. Further south are single family residences zoned SF-3-NP. Across Pace Street to the west is a construction sales and services facility zoned CS-MU-CO-NP. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The property was zoned CS and CS-1prior to the creation of the Holly Neighborhood Plan (HNP) in 2001. The HNP added the mixed use designation (MU), and the zoning string also shows a conditional overlay (CO) on the property. However, an in-depth review of the zoning ordinance and related documents do not show any COs on the property. Staff has concluded that the addition of CO to the zoning string was an error.

In the planning document, the HNP specifically addresses businesses that sell or serve alcohol. Action Item 2.2.1 states "Prohibit additional CS-1 zoning throughout neighborhood. (All districts and corridors)." The proposed rezoning retains CS-1 on the site, but reduces the overall square footage of CS-1. Currently, the site has 12,785 square feet of CS-1 zoning; the rezoning would reduce the CS-1 area to 9,357 square feet. Additionally, the rezoning would prohibit Cocktail lounge as a permitted use. ***Please see Exhibit C—Survey Exhibit.***

BASIS OF RECOMMENDATION:

Staff supports the Applicant's request for rezoning to CS-MU-NP (Tract 1) and CS-1-MU-CO-NP (Tract 2). The conditional overlay on Tract 2 would prohibit Cocktail lounge land use. The site is currently entitled to development of 12,785 square feet of alcohol related land uses, including Cocktail lounge. The rezoning would reduce the amount of CS-1 by 26.8%.

The rezoning would also prohibit Cocktail lounge. The proposed rezoning would allow the property owner to lease the vacant space in the shopping center to a liquor store tenant—the remainder of the site that is zoned CS-1 is all occupied.

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

Commercial-liquor sales (CS-1) district is designed to allow Liquor sales as one of the permitted uses.

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

Rezoning would allow the property owner to lease the vacant space in the shopping center to a liquor store tenant—the remainder of the site that is zoned CS-1 is all occupied.

3. *Rezoning should not contribute to the over zoning of the area.*

The proposed rezoning would reduce the amount of CS-1on the site and prohibit Cocktail lounge.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-CO-NP, CS-1-MU-CO-NP	Food sales, Laundromat, General retail sales (convenience), multifamily residential
North	CS-MU-CO-NP, P-NP	Vehicle storage, Administrative and business offices
South	CS-MU-CO-NP	Food preparation, Single family residential
East	GR-MU-NP	Administrative and business offices, Consumer repair services, Single family residential
West	CS-MU-CO-NP	Construction sales and services

NEIGHBORHOOD PLANNING AREA: Holly

TIA: N/A

WATERSHED: Lady Bird Lake

OVERLAYS: N/A

NEIGHBORHOOD ORGANIZATIONS:

Holly Neighborhood Coalition
Guadalupe Neighborhood Development Corporation
Greater East Austin Neighborhood Association
Homeless Neighborhood Association
Preservation Austin
Capital Metro
East Austin Conservancy

Austin Neighborhoods Council
Del Valle Community Coalition
Barrio Unido Neighborhood Association
A.N.T. Artists and Neighbors Together
Claim Your Destiny Foundation
Black Improvement Association
Buena Vista Neighborhood Association
Friends of Austin Neighborhoods
Neighborhood Empowerment Foundation
El Concilio Mexican-American Neighborhoods
Govalle/Johnston Terrace Neighborhood Plan Contact Team
SELTexas
United East Austin Coalition
Austin Innercity Alliance
Neighbors United for Progress
Tejano Town
Sierra Club
AISD
Tejana Bilingual Community
Bike Austin

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0166 Holly Neighborhood Plan combining district - City initiated	**From CS-1 and CS to CS-1-MU-NP and CS-1-MU-NP**	**11/28/2001: Apvd as rec by Staff**	**12/13/2001: Apvd Ord. 011213-44**

EXISTING STREET CHARACTERISTICS:

Name	**ROW**	**Pavement**	**Classification**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
East 5th St	60 ft	40 ft	Commercial collector	Yes	Bike lane	
Pleasant Valley Rd	60 ft	40 ft	Major arterial	Yes	Shared Lane	Routes 4, 17, 122, 300
Pace St	40 ft	28 ft	Local	Yes (east side only)	No	

OTHER STAFF COMMENTS:

COMPREHENSIVE PLANNING

The zoning case is located on the east side of Pace Street, the west side of N. Pleasant Valley Road, and the south side of E. 5th Street. The property contains a small shopping center with residential units on the top two floors of a three story building, three retail bays (one of which is the proposed location of a liquor store) and an attached one story convenience store. This property is also located within the boundaries of the Holly Neighborhood Planning Area. Connectivity: Public sidewalks are located around the property but are only located partially along E. 5th Street in this particular area. The CapMetro transit stop is located within

walking distance to the site. The Walkscore for this area is 82/100, Very Walkable, meaning most errands can be accomplished on foot.

Holly Neighborhood Plan (HNP): The HNP Future Land Use Map classifies this area as Mixed Use, which allows commercial zoning, including Zone CS-1. The following HNP goals, objectives and actions discuss commercial and mixed use and commercial uses in this planning area:

Goal 2: Encourage opportunities to address compatibility between different residential, commercial and industrial uses.

Objective 2.1: Retain adjacent commercial and industrial uses within the Commercial Mixed Use
District.

Objective 2.2: Restrict intensive commercial/industrial uses from residential area of neighborhood.

Action Item 2.2.1: Prohibit additional CS-1 zoning throughout neighborhood. (All districts and corridors).

Objective 2.4: Encourage locally owned/managed businesses.

HNP Text: There are three districts/corridors that have significant commercial uses. They are the
Community Commercial corridor (East César Chavez: Chicon to Pleasant Valley), East 7th Corridor
(Chicon to Pleasant Valley), and Commercial Mixed-Use District (5th/6th/Chicon/Pleasant Valley). Each of these areas have a specific focus and the recommendations for each area's zoning is based on how the commercial uses and nearby residential can be more compatible with each other.

HNP Text: The Commercial Mixed-Use District is made up of industrial uses such as warehouse HNP Text: The Commercial Mixed-Use District is made up of industrial uses such as warehouses and some commercial uses. There also is some vacant land. The neighborhood supports mixed use in this area to continue some of the existing uses but also promote opportunities for different types of housing where appropriate.

Objective 1.1: Promote the mix of uses within the Commercial Mixed-Use District and allow for a transition of uses from 6th Street to 5th Street.

Action Item 2.5.11: Rezone E. 5th (San Saba to Pleasant Valley) currently zoned CS, LR, SF-3 and LI to CS-MU-CO and GR-MU-CO.

The HNP appears to support commercial mixed use along E. 5th and E. 6th Streets, but expressly opposes the addition CS-1 zoning (liquor sales), which has been identified as being incompatible to the family friendly nature of the planning area. However, the proposed rezoning proposes reducing the amount of CS-1 that is already permitted on the site, and to prohibit Cocktail lounge land use.

Imagine Austin: The property is located along an Activity Corridor as identified on the Imagine Austin's Growth Concept Map. Activity corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. While both Imagine Austin and the Holly Neighborhood Plan (which is an addendum to Imagine Austin) is supportive of a variety of retail uses along commercial corridors.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird 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. No trees are located on this property. 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.

SITE PLAN

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
SP2. Site plans will be required for any new development other than single-family or duplex residential.
SP3. 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.

TRANSPORTATION

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a Bike Boulevard is recommended for East 5th Street and a Bike Lane is recommended for Pleasant Valley. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.
TR2. Pace Street requires 50 feet of right-of-way in accordance with the TCM. ROW dedication may be required at the time of subdivision and/or site plan. LDC 25-6-55; TCM, Tables 1-7, 1-12.
TR3. Existing Street Characteristics:

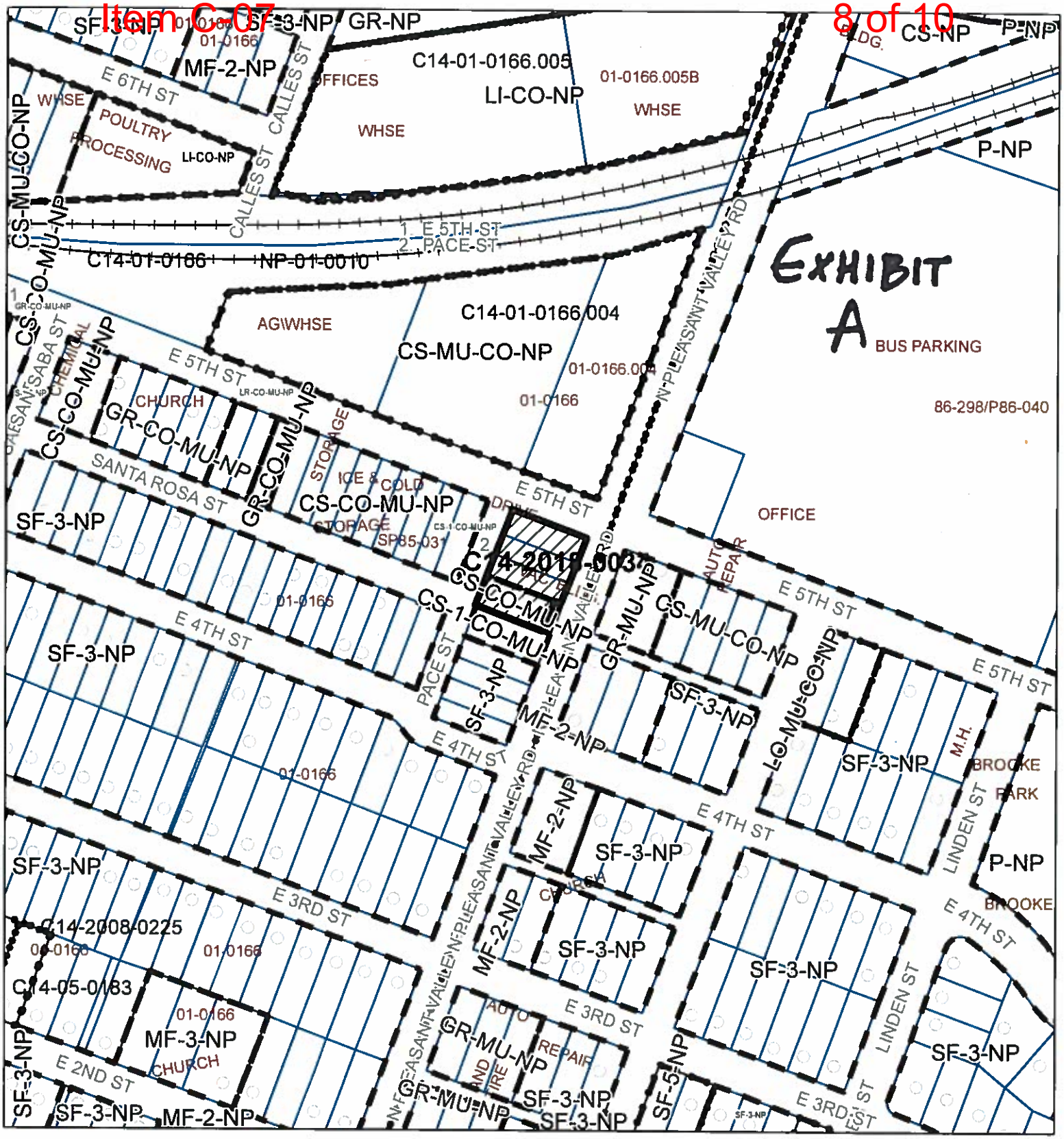
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within
East 5th St	60 ft	40 ft	Commercial	Yes	Bike lane	
Pleasant Valley Rd	60 ft	40 ft	Major arterial	Yes	Shared Lane	Routes 4, 17, 122, 300
Pace St	40 ft	28 ft	Local	Yes (east	No	

WATER UTILITY

1. 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. 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.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map
B. Aerial Exhibit
C. Survey Exhibit



ZONING

Case#: C14-2018-0034

N

Subject Tract

Pending Case

Zoning Boundary

Railroads

Feet

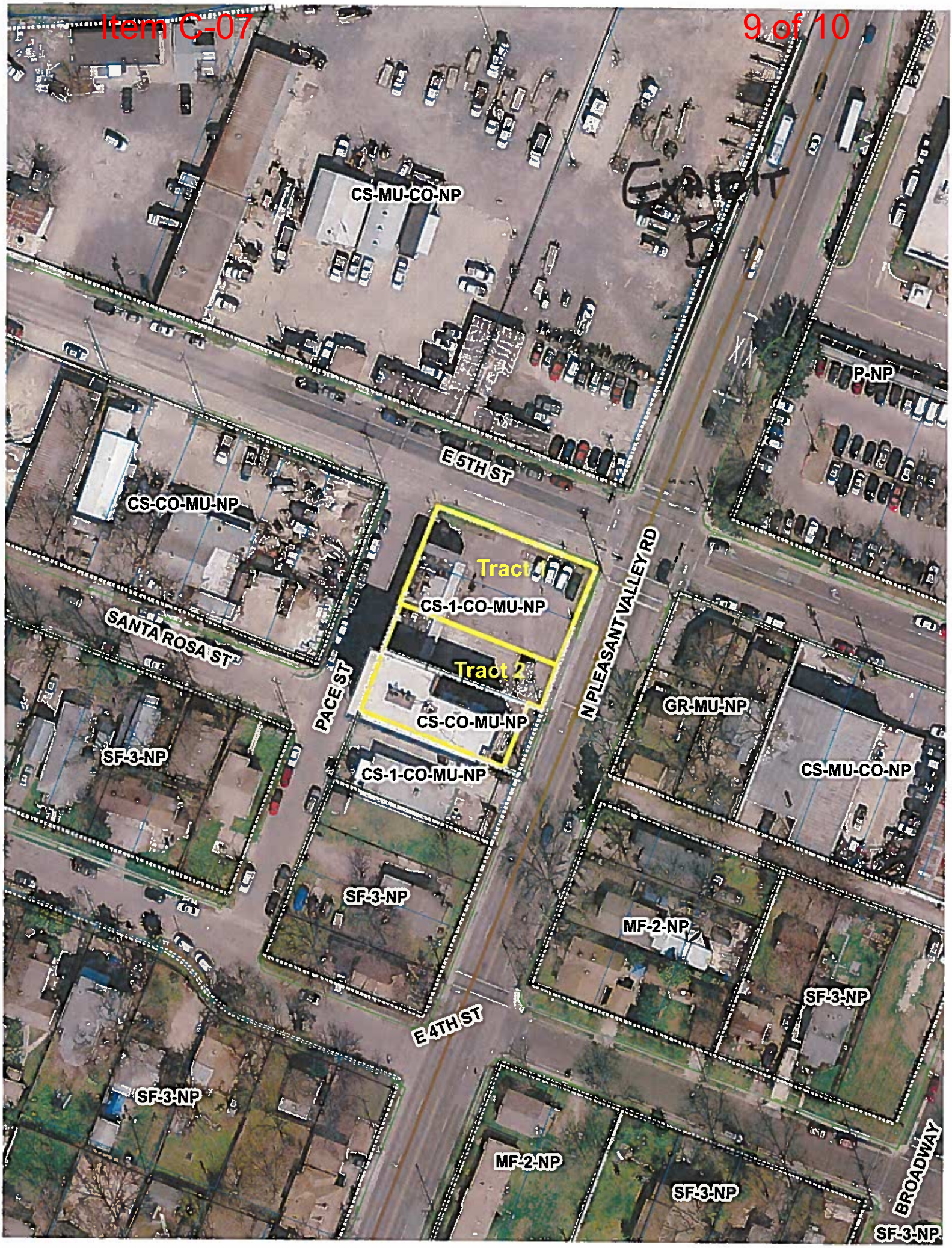
0 100 200

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.

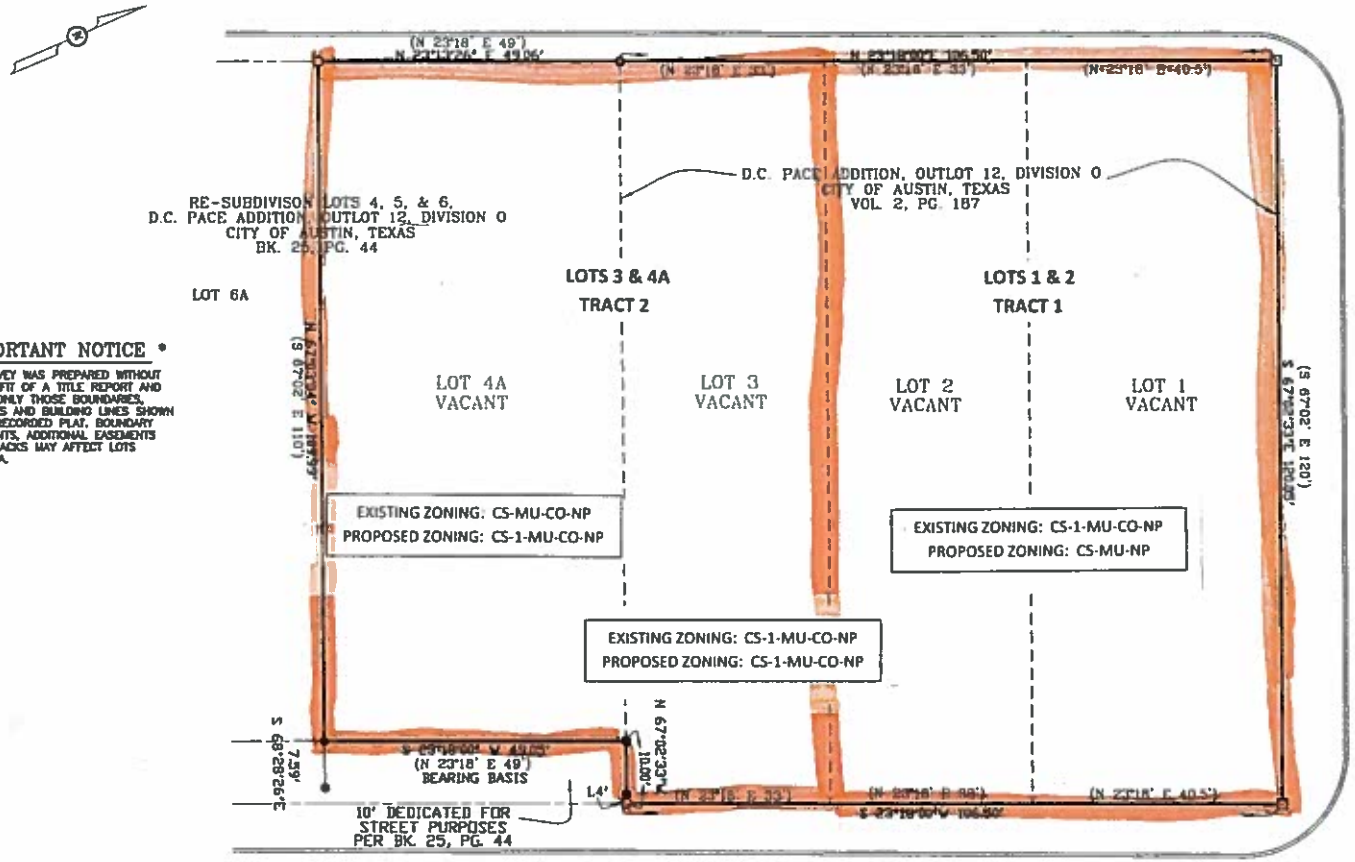
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Created: 4/12/2018


CS-MU-CO-NP
E 5TH ST
P-NP
CS-CO-MU-NP
Tract 1
CS-1-CO-MU-NP
SANTA ROSA ST
PACE ST
Tract 2
CS-CO-MU-NP
N PLEASANT VALLEY RD
GR-MU-NP
CS-MU-CO-NP
SF-3-NP
CS-1-CO-MU-NP
SF-3-NP
MF-2-NP
SF-3-NP
E 4TH ST
SF-3-NP
MF-2-NP
SF-3-NP
BROADWAY
SF-3-NP

LEDGER L4430 FILE NUMBER

SCALE:1"=20'



• IMPORTANT NOTICE •

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DEPICTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOTS 1-3 & 4A.

SURVEYOR'S NOTES

( ) DENOTES RECORD INFORMATION

NO LOCAL JURISDICTION BUILDING LINES ARE DEPICTED ON THIS MAP. INTERESTING PARTIES SHOULD CONTACT THE GOVERNING BODY FOR BUILDING LINE INFORMATION.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

STATE OF TEXAS
REGISTERED
C. Richard Ralph
4758
PROFESSIONAL
LAND SURVEYOR

ALL POINTS SURVEYING
611 SOUTH CONGRESS AVENUE – SUITE 100
AUSTIN TX. 78704
TELE.: (512) 440-0071 – FAX: (512) 440-0199

LEGAL DESCRIPTION:
LOTS 1, 2, & 3, D.C. PACE ADDITION, OUTLOT 12, DIVISION O, (VOL. 2, PG. 187) & LOT 4A, RESUBDIVISION OF LOTS 4, 5, & 6, D.C. PACE ADDITION, OUTLOT 12, DIVISION O, (BK. 25, PG. 44), PLAT RECORDS, TRAVIS COUNTY, TEXAS.

Reference: MOHAMMED GHULAM

	By	Date
FIELD WORK	JS	07-02-09
DRAFTING	NM	

SURVEY DATE: 07-02-09
Job No. 08837809
SCALE: 1"=20'

LEDGER L4430 FILE NUMBER

EXHIBIT C

Item C-07

10 of 10