ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0089 – 2700 E. 5th Street DISTRICT: 3

ZONING FROM: LI-NP

TO: CS-MU-NP

ADDRESS: 2700 East 5th Street

SITE AREA: 0.54 Acres

PROPERTY OWNER/APPLICANT: 2700 East 5th JV, LLC

AGENT: Drenner Group, PC (Leah Bojo)

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

STAFF RECOMMENDATION:
Staff supports the Applicant's request to rezone the property with the following additions to CS-MU-CO-NP:
1. The following land uses shall be prohibited on the property: Campground, Convenience storage, Exterminating services, Kennels, Pawn shop services, and Adult oriented businesses.
2. The following land uses shall be conditional uses on the property: Automotive washing (of any type) and Commercial off-street parking.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

September 24, 2019:
August 27, 2019: To grant postponement to September 24, 2019, as requested by Staff, on consent.

CITY COUNCIL ACTION:
September 19, 2019:

ORDINANCE NUMBER:

ISSUES:
The subject property was inadvertently omitted from the Holly Neighborhood Plan during the planning process in 2002-2003 and did not received a FLUM designation. The property was owned by the Union Pacific Railroad Company at that time and should have been included in the FLUM. The proposed rezoning and FLUM amendment will incorporate the subject property into the Holly FLUM to be part of the adjacent property to the east, 2716 and 2726 East 5th Street, which are zoned CS-MU-CO-NP. Staff recommends that the subject property have the same prohibited land uses as the adjacent tracts. ***Please see Exhibit C – PAZ Memorandum.***

CASE MANAGER COMMENTS:
The proposed rezoning is for 0.54 acre property that is currently zoned LI-NP and is used for a variety of limited industrial services. The properties immediately to the east are zoned CS-MU-CO-NP and are also used for a variety of limited industrial services. Immediately north of the property is rail right-of-way (ROW) that is part of the Capital Metro MetroRail line. Across the ROW are properties to the north and west zoned CS-1-MU-CO-NP and LI-CO-NP that are used for various commercial uses including brewery, automotive rental (Uber), food preparation, cocktail lounge, and more. Further north is a residential neighborhood zoned SF-3-NP. Across East 5th Street to the south are properties zoned CS-MU-CO-NP, GR-MU-CO-NP, and SF-3-NP. These include construction sales and services, religious assembly, undeveloped, and single family land uses. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

As stated in the issues section, this area was rezoned as part of the Holly Neighborhood planning process in 2002-2003, but this tract was omitted from the FLUM in error. The adjacent tracts to the east were zoned CS-MU-CO-NP, and Staff recommends that the subject property be zoned similarly. This will allow the three properties to be developed cohesively. ***Please see Exhibits D and E—Zoning Ordinance and Applicant Letter.***

BASIS OF RECOMMENDATION:
1. Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.

The proposed rezoning would match the adjacent tracts to the east, allowing cohesive development as one site. Other CS-MU properties are located nearby to the north, south, and west.

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

CS-MU-CO-NP zoning is compatible with the surrounding land uses and will reduce the intensity of development on the site. CS-MU-CO-NP is more compatible with the surrounding properties; there are no other LI-NP properties in the vicinity.

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

CS-MU-CO-NP is a down-zoning from LI-NP.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LI-NP	Mixed limited industrial uses
North	CS-1-MU-CO-NP, LI-CO-NP, SF-3-NP	Rail ROW, Brewery, Single family residential
South	CS-MU-CO-NP, GR-MU-CO-NP, SF-3-NP	Construction sales and services, Religious assembly, Undeveloped, Single family residential
East	CS-MU-CO-NP	Mixed limited industrial uses
West	CS-MU-CO-NP	Rail ROW, Food preparation, Cocktail lounge, Single family residential

NEIGHBORHOOD PLANNING AREA: Holly NP Area

SCHOOLS: Brooke Elementary Martin Middle Eastside Memorial at Johnston

TIA: N/A

WATERSHED: Lady Bird Lake

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
United East Austin Coalition
Neighbors United for Progress
Claim Your Destiny Foundation
Guadalupe Neighborhood Development Corporation
Del Valle Community Coalition
Neighborhood Empowerment Foundation
East Austin Conservancy
El Concilio Mexican American Neighborhoods
Greater East Austin Neighborhood Association
Parque Zaragosa Neighborhood Association
Buena Vista Neighborhood Association
Barrio Unido Neighborhood Association
Pedernales Neighborhood Association
AISD
SELTexas
Holly Neighborhood Association
Friends of Austin Neighborhoods
Preservation Austin
Sierra Club
Austin and Neighbors Together
Bike Austin
Tejano Town
Austin Neighborhoods Council
United East Austin Coalition
Tejana Bilingual Community
Central Austin Concerned Architects

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
5th St	56'	40'	ASMP Level 2	Yes	Yes	Yes

OTHER STAFF COMMENTS:

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.
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 property.
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. At this time, site specific information is unavailable regarding 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
SP 1. Site plans are required for any development other than single-family or duplex residential.
SP 2. 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.
SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
SP 4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.
SP 5. The entire site is subject to compatibility standards due to proximity to property zoned SF-3-NP to the north and south. The following standards apply:
· For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 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.
· For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
SP 7. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

TRANSPORTATION
TR1. The traffic impact analysis for this site has been deferred to the site plan application when the final land use mix, intensities, and details are known. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.
TR2. The Austin Metropolitan Area Transportation Plan calls for 78 feet of right-of-way for East 5th Street. It is recommended that 39 feet of right-of-way from the existing centerline should be dedicated for East 5th Street according to the Transportation Plan at time of site plan or subdivision. [LDC 25-6-51 and 25-6-55].

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
5th St	56'	40'	ASMP Level 2	Yes	Yes	Yes

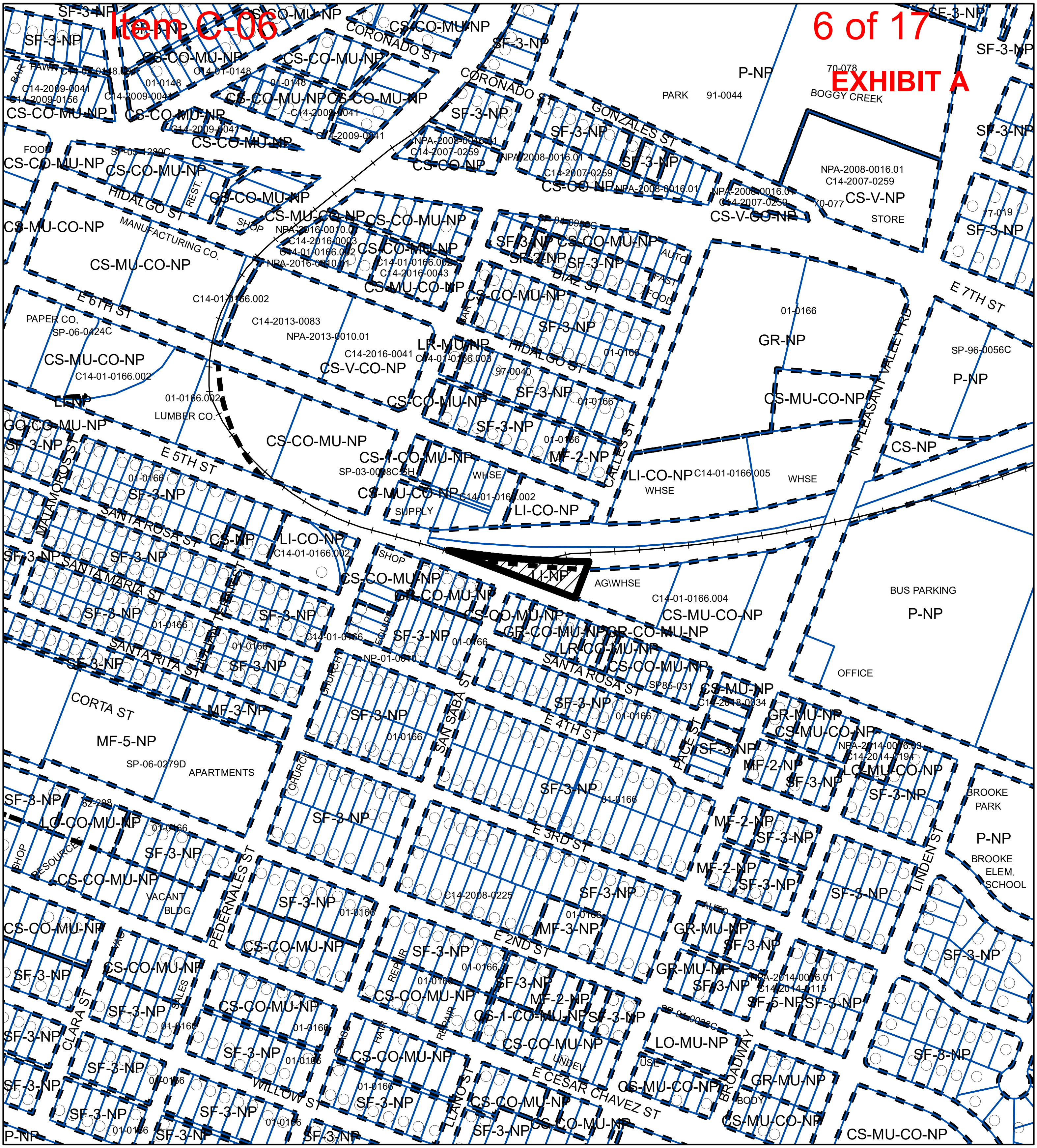
WATER UTILITY

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. PAZ Memorandum
D. Zoning Ordinance
E. Applicant Letter

EXHIBIT A



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING

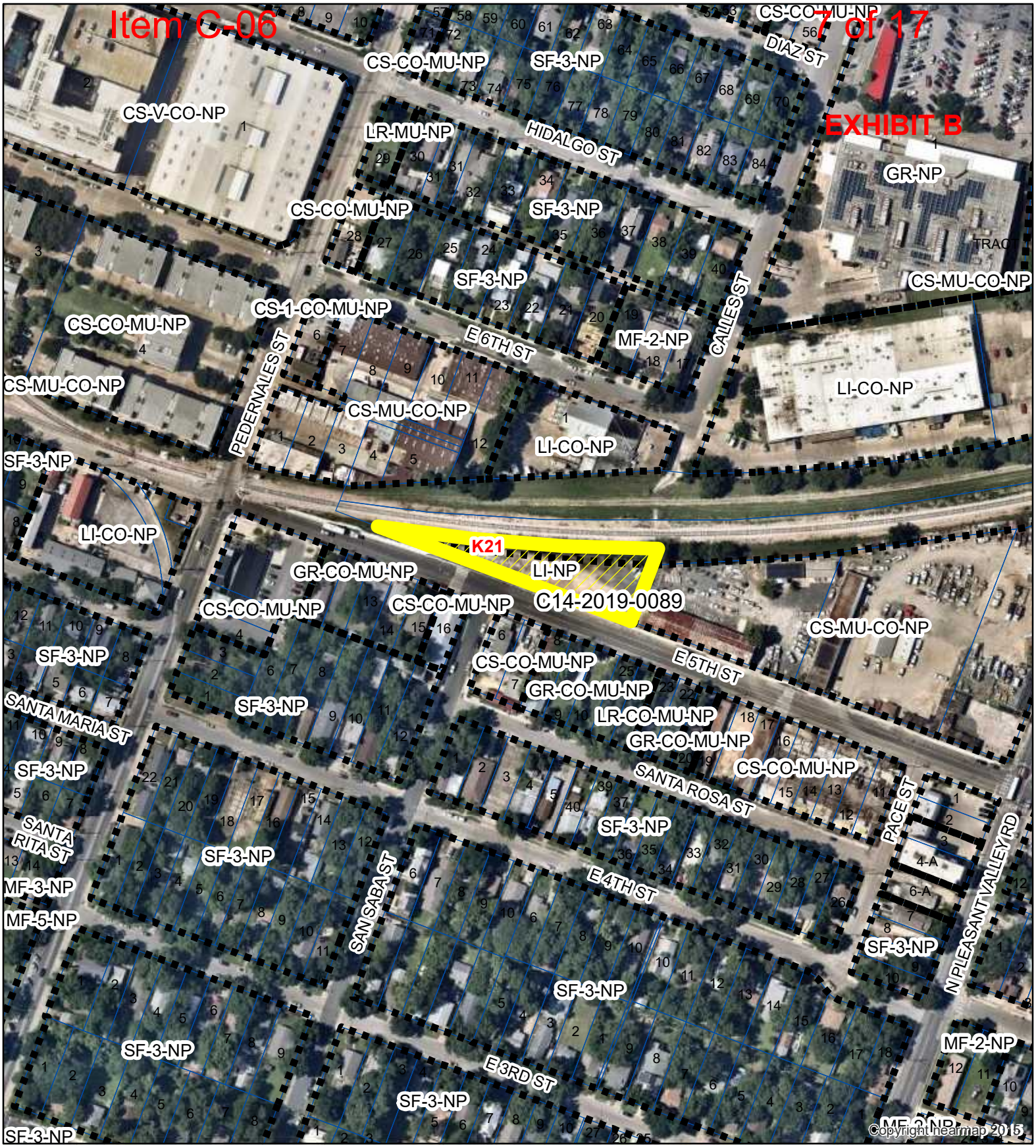
ZONING CASE#: C14-2019-0089

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 6/24/2019

EXHIBIT B



N

1" = 200'

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

2700 E 5TH STREET

ZONING CASE#: C14-2019-0089
LOCATION: 2700 E 5TH STREET
SUBJECT AREA: .54 Acres
GRID: K21
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.

EXHIBIT C

MEMORANDUM

TO: In-Take Division

FROM: Gregory I. Guernsey, AICP, Director
Planning and Zoning Department

DATE: June 13, 2019

RE: 2700 E. 5th Street
Holly Neighborhood Planning Area

****

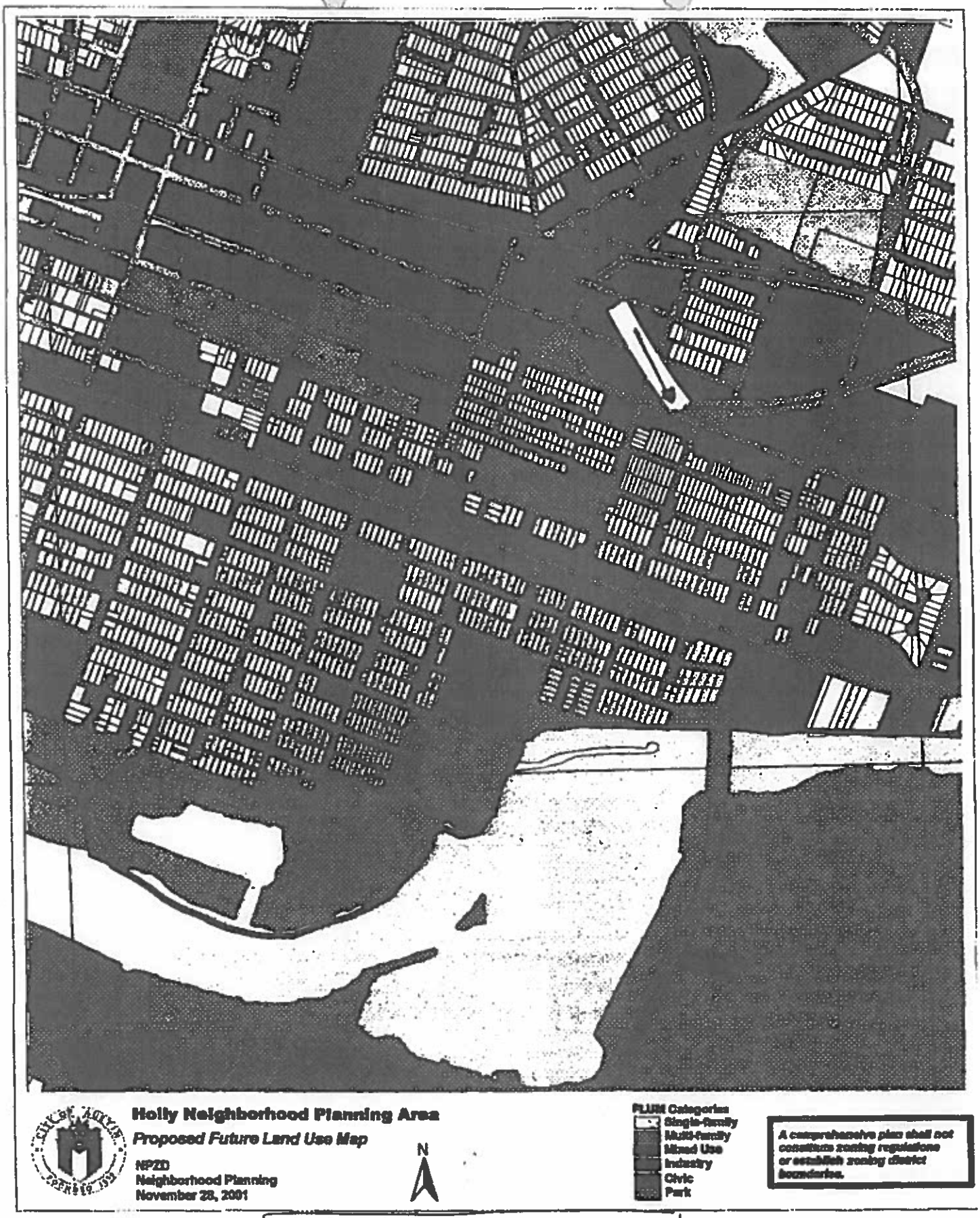
After conducting research, Planning and Zoning staff have determined that property at 2700 E. 5th Street (~0.551 acres) was omitted from the Holly Neighborhood Plan during the planning process in error and consequently does not have a land use designation on the future land use map (FLUM). The property was owned at the time of the planning process by the Union Pacific Railroad Company and should have been included.

Because of this error, the Planning & Zoning Department is initiating this plan amendment application to include this portion of the property into the Holly future land use map to be part of the adjacent property to the east, 2716 and 2726 E. 5th Street.

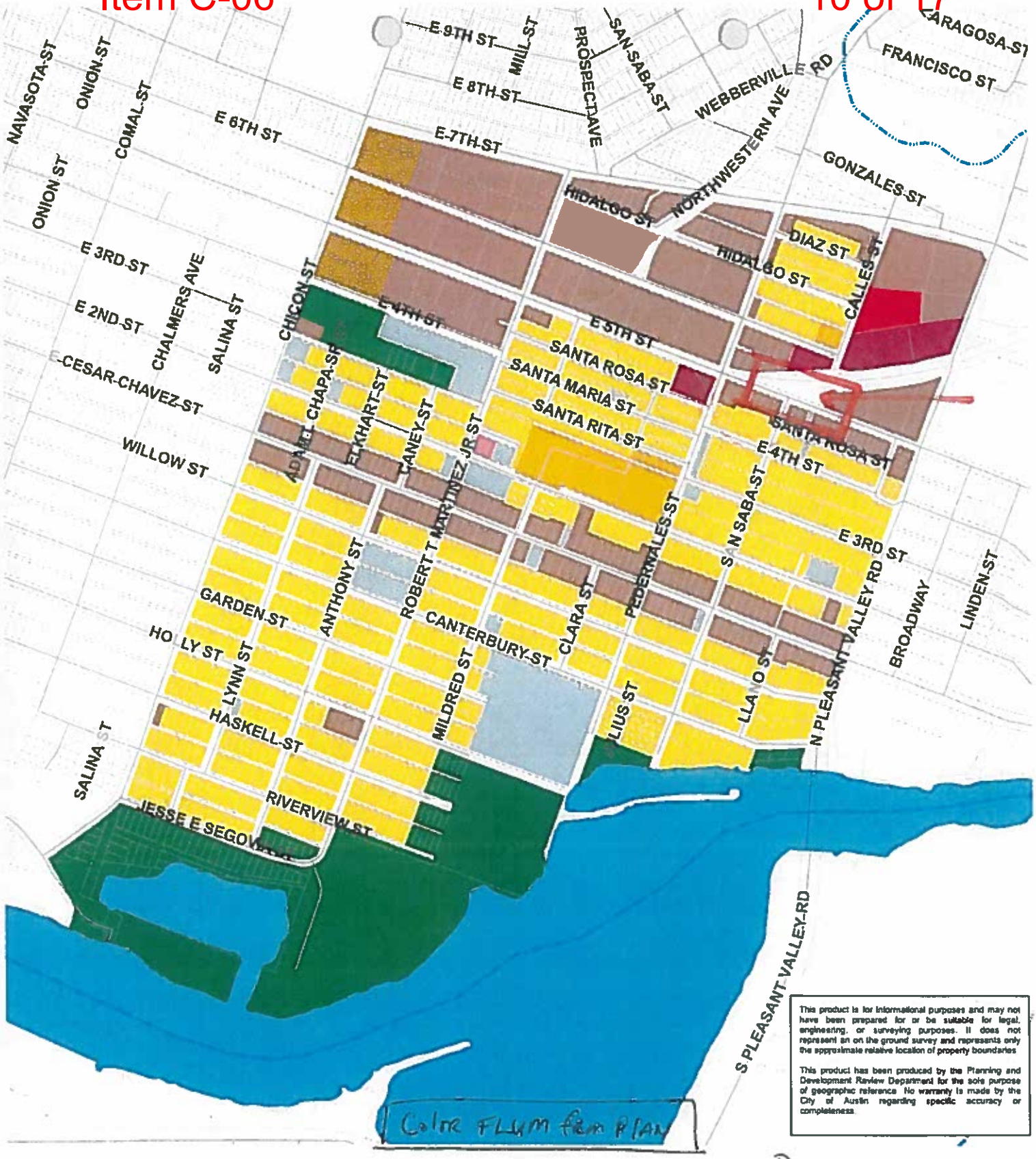
If you have any questions, please contact Mark Walters at (512) 974-7695 or Wendy Rhoades at (512) 974-7719.

Gregory I. Guernsey, AICP, Director
Planning and Zoning Department

Attachment: Black and White FLUM from Plan
Color FLUM from Plan
Color Zoning Map of Property
Color FLUM Map of Property



Black and white FLUM from PLAN



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Holly Neighborhood Planning Area
Future Land Use Map

City of Austin
Planning and Zoning Department
Created: 11/28/2001
Updated: 2/21/2017

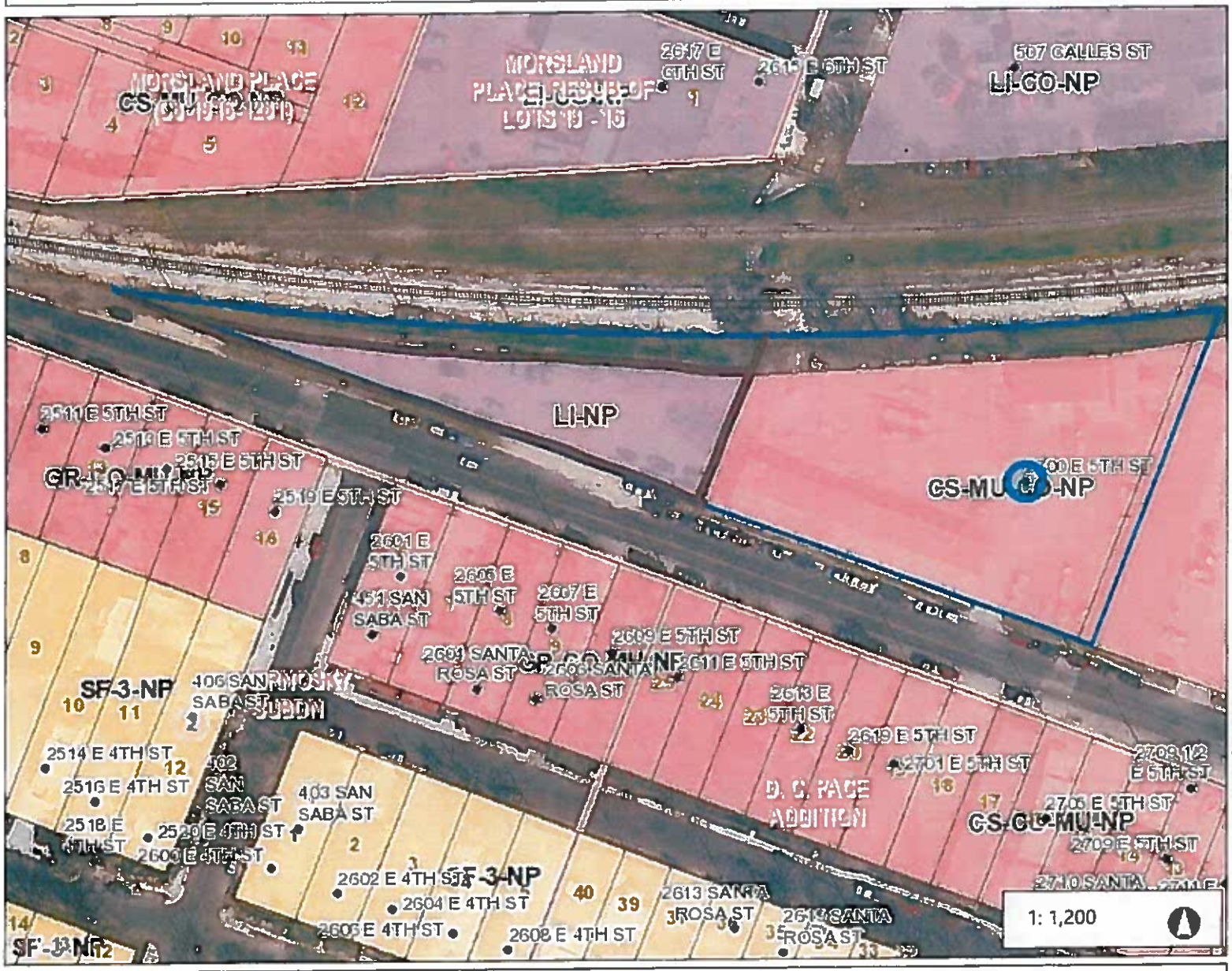
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

N
W E
S

FLUM Categories

- Single-Family
- Multifamily
- Commercial
- Mixed Use
- Office
- Industry
- Civic
- Recreation & Open Space
- Specific Regulating District

Property Profile



Legend

- Addresses
- Jurisdiction
  - FULL PURPOSE
  - LIMITED PURPOSE
  - EXTRATERRITORIAL JURISDICTI
  - 2 MILE ETJ AGRICULTURAL AGR
  - OTHER CITY LIMITS
  - OTHER CITIES ETJ
- Lot
- Block
- Lot Line
- Recorded Subdivision
- Zoning
  - Single Family (SF)
  - Multi-family (MF)
  - LA, RR
  - Mobile Home (MH)
  - Commercial (CH, CS, GR, LR, L)
  - Office (GO, LO, NO)
  - Industrial (IP, LI, MI, PDA, RD, W/L
  - CBD, DMU
  - TND, TOD, NBG, ERC
  - PUD
  - AG, DR
  - AV, P, UNZ
  - County/Missing Value

Color Zoning Map of Property

Page 4 of 5

Notes

0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed

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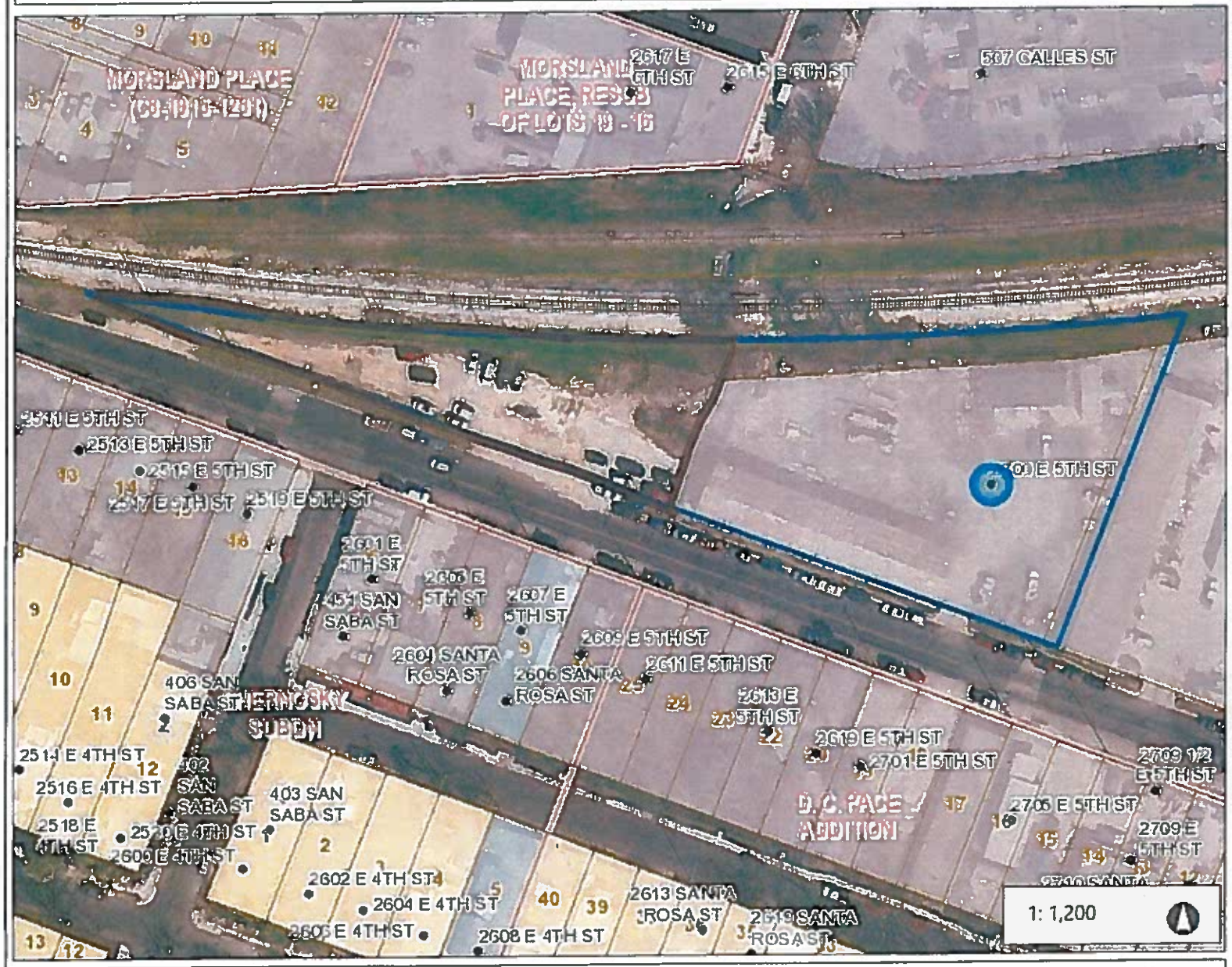
Property Profile



Legend

- Addresses
- Jurisdiction
  - FULL PURPOSE
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  - EXTRATERRITORIAL JURISDICTI
  - 2 MILE ETJ AGRICULTURAL AGR
  - OTHER CITY LIMITS
  - OTHER CITIES ETJ
- Lot
- Block
- Lot Line
- Recorded Subdivision
- Future Land Use Map
  - Activity Center
  - Agriculture
  - Civic
  - Commerce
  - Commercial
  - Environmental Conservation
  - High Density Mixed Use
  - Higher-Density Single-Family
  - Industry
  - Major Impact Facilities
  - Major Planned Development
  - Mixed Residential
  - Mixed Use
  - Mixed Use/Office
  - Mixed-use Activity Hub/Corridor
  - Mobile Homes
  - Multifamily
  - Neighborhood Commercial
  - Neighborhood Mixed Use
  - Neighborhood Node

Color FLUM Map of Property

Page 5 of 5

Notes

0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed

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ORDINANCE NO. 030612-Z-14

EXHIBIT D

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2614, 2716, AND 2726 EAST 5TH STREET IN THE HOLLY NEIGHBORHOOD PLAN AREA FROM LIMITED INDUSTRIAL SERVICES-NEIGHBORHOOD PLAN (LI-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited industrial services-neighborhood plan (LI-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district on the property described in Zoning Case No.C14-01-0166.004, on file at the Neighborhood Planning and Zoning Department, as follows:

2614 East 5th Street (Tract 28)
2716 East 5th Street (Tract 29)
2726 East 5th Street (Tract 30)
(the "Property"),

located in the Holly neighborhood plan area in the City of Austin, Travis County, Texas, and generally identified in the map attached as 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 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the City Code.

PART 4. 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 the Property:

Campground
Exterminating services
Pawn shop services
Convenience storage
Kennels
Adult oriented businesses

2. The following uses are conditional uses of the Property:

Automotive washing (of any type) Commercial of-street parking

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

PART 5. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 6. This ordinance takes effect on June 23, 2003.

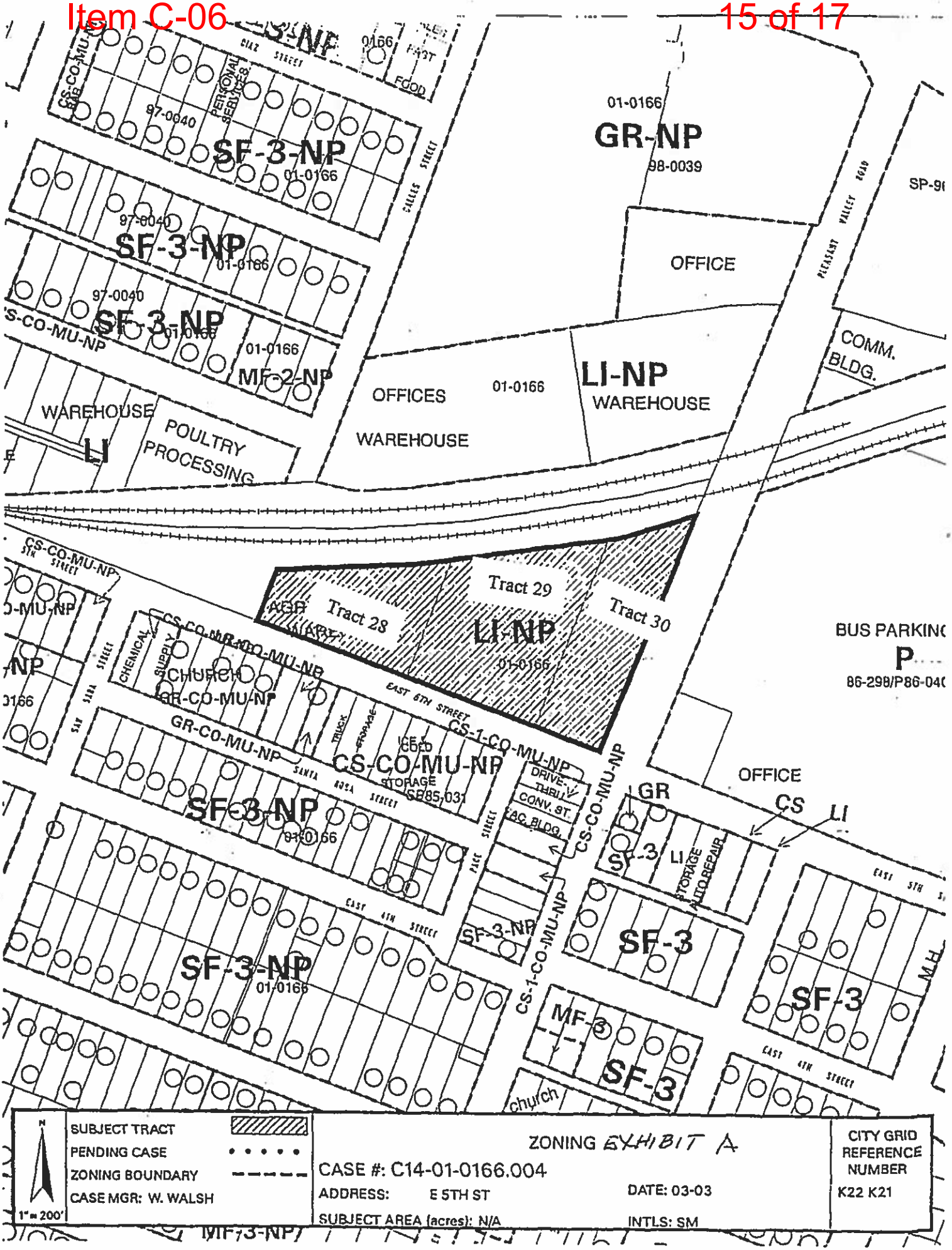
PASSED AND APPROVED

June 12, 2003 § Jackie Goodmen
§
§

Gustavo L. Garcia
Mayor
Mayor Pro Tem

APPROVED: Sedora Jefferson
City Attorney

ATTEST: Shirley A. Brown
City Clerk


SF-3-NP
97-0040
01-0166
GR-NP
98-0039
OFFICE
SF-3-NP
MF-2-NP
WAREHOUSE
POULTRY PROCESSING
LI
OFFICES
WAREHOUSE
LI-NP
COMM. BLDG.
Tract 28
Tract 29
Tract 30
LI-NP
CS-CO-MU-NP
CHURCH
GR-CO-MU-NP
CS-1-CO-MU-NP
STORAGE
SF-3-NP
GR
CS
LI
SF-3
MF-3
church
BUS PARKING
86-298/P86-040
EAST 6TH STREET
EAST 4TH STREET
SANTA ROSA STREET
CHICAGO STREET
PLEASANT VALLEY ROAD
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: W. WALSH
1" = 200'
ZONING EXHIBIT A
CASE #: C14-01-0166.004
ADDRESS: E 5TH ST
SUBJECT AREA (acres): N/A
DATE: 03-03
INTLS: SM
CITY GRID REFERENCE NUMBER
K22 K21

Leah Bojo
lbojo@drennergroup.com
512-807-2918

DRENNER GROUP

EXHIBIT E

June 18, 2019

Mr. Greg Guernsey
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 2700 East 5th Street – Zoning application for the approximately 0.54-acre western portion of the property located at 2700 East 5th Street, in Austin, Travis County, Texas (the "Property")

Dear Mr. Guernsey:

As representatives of the owner of the Property, we respectfully submit the enclosed zoning application package. The project is titled 2700 East 5th Street and is an approximately 0.54-acre portion of land from a collective 1.74 acre parcel, more or less. The Property is in the Full Purpose Jurisdiction of the City of Austin and is located on East 5th Street, west of the intersection of N. Pleasant Valley Road.

The Property is zoned LI-NP (Limited Industrial – Neighborhood Plan). The requested rezoning is from LI-NP to CS-MU-NP (General Commercial Services – Mixed Use – Neighborhood Plan). The Property is currently vacant. The purpose of this rezoning request is to be consistent with the zoning on the remaining approximately 1.18 acres of the collective property. The proposed use is office.

In the 1930s the Property appears to have been zoned to the equivalent of Limited Industrial (LI). The Property was used by the Union Pacific Railroad Company until 2005 when it was sold to a private owner. Because it was owned by the railroad at the time of the neighborhood planning process, and was thought to be rail right of way, it was not rezoned to CS-MU-CO-NP as the rest of the tract was. It also did not receive a FLUM designation.

The Property is located in the Holly Neighborhood Planning Area and the City of Austin Planning and Zoning Staff will initiate a correction to the FLUM simultaneously with this zoning application to correct this contradiction. The Traffic Impact Analysis ("TIA") has been waived until site plan, per the attached TIA waiver dated May 14, 2019 and executed by Amber Mitchell.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,

Leah M. Bojo

cc: Jerry Rusthoven, Planning and Zoning Department *(via electronic delivery)*
Joi Harden, Planning and Zoning Department *(via electronic delivery)*
Heather Chaffin, Planning and Zoning Department *(via electronic delivery)*