

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2019-0123 -- 1408 E. 51<sup>st</sup> Street      DISTRICT: 4

ZONING FROM: LO-V-NP

TO: GR-MU-V-NP, as amended

ADDRESS: 1408, 1410, 1414, 1416, and 1418 East 51<sup>st</sup> Street

SITE AREA: 3.8246 Acres

PROPERTY OWNERS:

Sage Crossroads, LLC  
(David Foor)

AGENT:

Drenner Group PC  
(Leah Bojo)

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

STAFF RECOMMENDATION:

**Staff supports the Applicant's request to rezone the property from LO-V-NP to GR-MU-V-NP.** *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 12, 2019:

CITY COUNCIL ACTION:

December 5, 2019:

ORDINANCE NUMBER:

ISSUES:

The Applicant originally requested CS-MU-V-NP zoning for the property, and later amended the request based on feedback from Staff and the Neighborhood. A Restrictive Covenant Amendment (City File # C14-71-278(RCA)) is filed in relation to the rezoning request.

CASE MANAGER COMMENTS:

The subject tract is comprised of multiple lots located on the north side of East Manor Road, approximately halfway between IH 35 and Berkman Drive. The property is zoned LO-V-NP and is currently partially undeveloped and partially developed with parking for Promiseland Church. North of the subject tract is property zoned LO-NP that contains floodplain and City of Austin drainage control features. Further north is a single family neighborhood zoned SF-3-NP. Immediately east of the subject tract is Promiseland Church, which is zoned LO-V-NP. Further east is are more drainage control features zoned LI-NP and a combined car wash/service station/convenience store zoned GR-MU-CO-NP. Immediately west of the subject property are apartments zoned GR-MU-V-CO-NP. Further west is a mix of commercial uses including office, limited restaurant, etc., with a mix of zoning including MF-2-NP, LO-V-NP, and GR-MU-V-CO-NP. Across East 51<sup>st</sup> Street to the south is the Mueller Planned Unit Development (PUD). The PUD contains a mix of land uses including office, medical services, retail, residential and more. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The Applicant is proposing to redevelop the property with mixed multifamily and other land uses. Staff supports the requested zoning. GR-V-MU-NP is consistent with other properties along this stretch of 51<sup>st</sup> Street, as well as the Mueller PUD on the opposite side of East 51<sup>st</sup> Street. East 51<sup>st</sup> Street is a core transit corridor that supports vertical mixed use development, and the Mueller PUD also promotes high density commercial, residential, and other land uses. ***Please see Exhibit C—Applicant Letter.***

BASIS OF RECOMMENDATION:

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

GR-MU-V-NP zoning is consistent with the GR-MU-C-CO-NP, LO-V-NP, LO-V-MU-NP and other zoning districts along this stretch of East 51<sup>st</sup> Street.

2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

Planning Commission and City Council have adopted vertical mixed use regulations that promote mixed use along core transit corridors.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-V-NP	Undeveloped, Parking lot
North	LO-NP, LO-CO-NP, SF-3-NP	City drainage features, Single family residential
South	PUD	Mueller PUD- Office, Commercial, Residential
East	LO-V-NP, LI-NP, GR-MU-CO-NP	Religious assembly, City drainage features, Automotive washing, Service station, Food sales

	ZONING	LAND USES
West	GR-MU-V-CO-NP, LO-V-NP, MF-2-NP	Multifamily, Office, Restaurant-limited

NEIGHBORHOOD PLANNING AREA: University Hills/Windsor Park

TIA: N/A – Deferred to time of site plan, if triggered

WATERSHED: Tannehill Branch Creek

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association

Del Valle Community Coalition

Friends of Austin Neighborhoods

Neighborhood Empowerment Foundation

Windsor Park Neighborhood Association

Mueller Neighborhood Association

Windsor Park-Pecan Springs Heritage NA

Windsor Park Neighborhood Plan Contact Team

AISD

Preservation Austin

Sierra Club

Mueller Community Associations

Bike Austin

Austin Neighborhoods Council

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C814-04-0055.SH Mueller PUD Amendment #4	To add cottage housing type, etc.	11/12/2019: TBD	12/05/2019: TBD

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 51 <sup>st</sup> St	90'	65'	ASMP Level 3	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 Tannehill Creek 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 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.

#### SITE PLAN

SP 1. Site plans will be required for any new 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.

#### Compatibility Standards

SP 4. The site is subject to compatibility standards.

☐ 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, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.

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

#### TRANSPORTATION

TR1. A traffic impact analysis has been deferred until the site plan stage.

TR3. A Neighborhood Traffic Analysis was not required for this site, as the property fronts a Level 3 roadway.

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 51 <sup>st</sup> St	90'	65'	ASMP Level 3	Yes	Yes	Yes

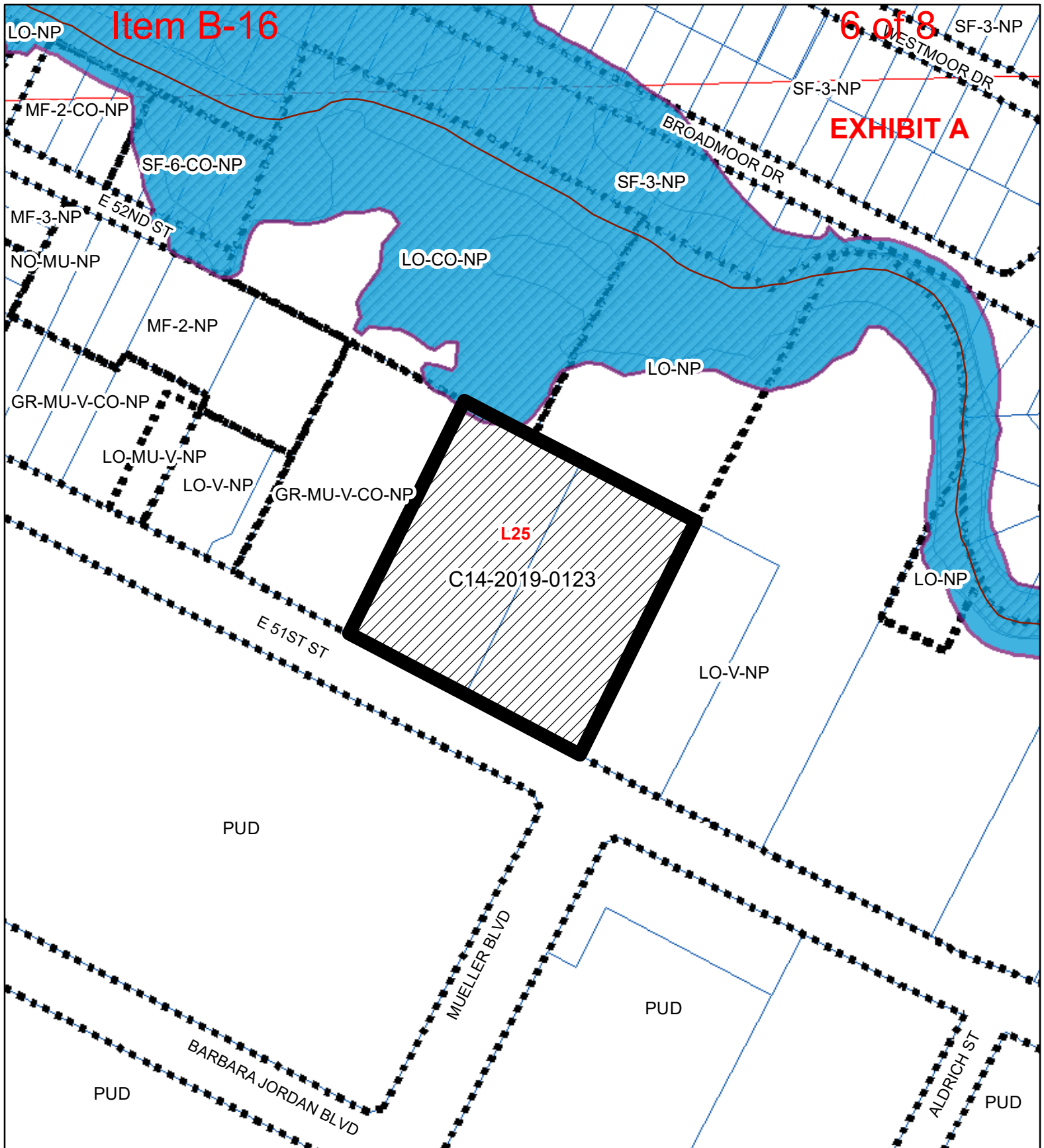
WATER UTILITY

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. Applicant Letter

## EXHIBIT A



### Sage Crossroads, LLC

ZONING CASE#: C14-2019-0123  
 LOCATION: 1408, 1410, 1414, 1416, and 1418 E 51st St  
 SUBJECT AREA: 3.8246 Acres  
 GRID: L25  
 MANAGER: Heather Chaffin

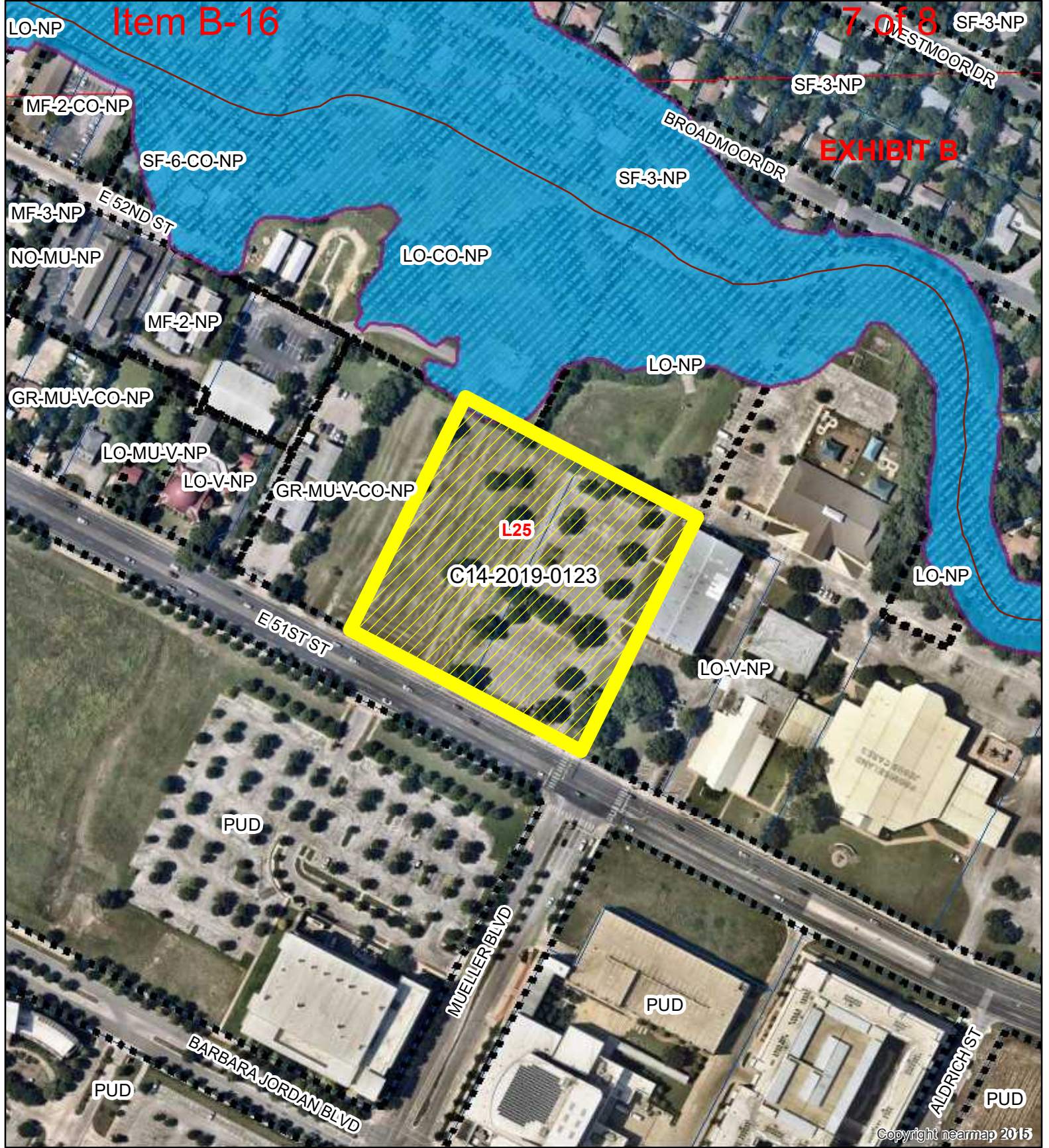
-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER



1" = 200'

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 B**

**L25**  
**C14-2019-0123**

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

**Sage Crossroads, LLC**  
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Leah Bojo  
lbojo@drennergroupp.com  
512-807-2918

# DRENNER GROUP

**EXHIBIT C**

September 9, 2019

Ms. Denise Lucas  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

Via Hand Delivery

Re: 1408 East 51<sup>st</sup> Street – Zoning and Restrictive Covenant Amendment applications for the approximately 3.8246 acres of property located at 1408-1418 East 51<sup>st</sup> Street, in Austin, Travis County, Texas (the "Property")

Dear Ms. Lucas:

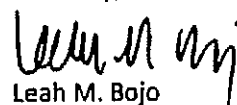
As representatives of the owner of the Property, we respectfully submit the enclosed zoning and Restrictive Covenant Amendment (RCA) applications. The project is titled 1408 East 51<sup>st</sup> Street and is approximately 3.8 acres of land. It is in the Full Purpose Jurisdiction of the City of Austin and is located on the north side of East 51<sup>st</sup> Street, across the street from the Mueller development.

The eastern portion of the Property is developed with a surface parking lot that previously served the Promiseland Church. The remainder of the site is undeveloped. The current zoning is LO-V-NP (Limited Office – Vertical Mixed Use Overlay – Neighborhood Plan). The requested rezoning is from LO-V-NP to CS-V-MU-NP (General Commercial Services – Vertical Mixed Use Overlay – Mixed Use – Neighborhood Plan). The purpose of these requests is to release the Property from a restrictive covenant recorded on December 15, 1971, limiting the number of multifamily units allowed on a portion of the property, and to allow for the development of a dense, mixed use residential project.

The Property is located in the University Hills/Windsor Park Neighborhood Planning Area. East 51<sup>st</sup> Street is a Core Transit Corridor and is undergoing implementation of the East 51<sup>st</sup> Street Mobility Project as a part of the 2012 bond program. The Future Land Use Map ("FLUM") designation on the Property is Mixed Use and so a neighborhood plan amendment to the FLUM will not be required. See the attached memo from Maureen Meredith issued on August 20, 2019. The Traffic Impact Analysis ("TIA") has been deferred until site plan. Please see the attached TIA determination form dated May 8, 2019 and executed by Amber Mitchell.

Please let me know if you or your team members would like 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*)