

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 39
AGENDA DATE: Thu 02/16/2006
PAGE: 1 of 1**

SUBJECT: C14-05-0123 - East 5th & Allen Street - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3304 East 5th Street (Boggy Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0 (McCracken off the dais). Applicant: Saldana Homes. Agent: Rose Marie Rocha. City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0123

REQUEST:

Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3304 E. 5th St (Boggy Creek Watershed) from community commercial (GR) to from community commercial -mixed use (GR-MU) district zoning.

DEPARTMENT COMMENTS:

The site is a roughly 1/3 acre site, currently zoned GR-NP, containing a vacant single family home and associated out building.

The site was rezoned from Limited Industrial (LI) to Community Commercial (GR) in 2003, as part of the Govalle/Johnston Terrace Combined Neighborhood Plan.

The request is to add the Mixed Use overlay to the property, changing the zoning to GR-MU-NP, and staff supports the request. The applicant is seeking the request in order to build six residential (multi-family) units on the site.

The property lies within the Govalle/Johnston Terrace Combined Neighborhood Planning Area, and requires a plan amendment from Commercial to Mixed Use land use. Case NPA-05-0016.02 concerns the related neighborhood plan amendment.

APPLICANT/AGENT: Teresa Saldana

OWNER: Teresa Saldana

DATE OF FIRST READING: December 15, 2005 (6-0).

CITY COUNCIL ACTION: Approved community commercial -mixed use (GR-MU) district zoning (6-0 vote).

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET**CASE:** C14-05-0123**PC Date:** September 13, 2005
October 11, 2005**ADDRESS:** 3304 E. 5th St.**OWNER/APPLICANT:** Teresa Saldaña **AGENT:** Teresa Saldaña**ZONING FROM:** GR-NP**TO:** GR-MU-NP**AREA:** 0.346 acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of Community Commercial-Mixed Use-Neighborhood Plan (GR-MU-NP) combining district.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

September 13, 2005: Postponed to October 11, 2005 at request of staff.

October 11, 2005: Approved GR-MU-NP on consent.

DEPARTMENT COMMENTS:

The site is a roughly 1/3 acre site, currently zoned GR-NP, containing a vacant single family home and associated out building.

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The request is to add the Mixed Use overlay to the property, changing the zoning to GR-MU-NP, and staff supports the request. The applicant is seeking the request in order to build six residential (multi-family) units on the site.

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EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-NP	Vacant
<i>North</i>	SF-3-NP	Single Family House
<i>South</i>	LI-CO-NP	Meat Company
<i>East</i>	GR-NP	Vacant
<i>West</i>	GR-NP & W/LO-NP	Vacant and Mini-Warehouse

AREA STUDY: The property lies within the Govalle/Johnston Terrace Combined Neighborhood Planning Area, and requires a plan amendment from Commercial to Mixed Use land use. Case NPA-05-0016.02 concerns the related neighborhood plan amendment.

TIA: N/A

WATERSHED: Boggy Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Terrell Lane Interceptor Assn.
- Austin Neighborhoods Council
- Govalle/Johnston Terrace Planning Team of Neigh. Orgs.
- Austin Independent School District
- Sentral Plus East Austin Koalition (SPEAK)
- PODER People Organized in Defense of Earth & Her Resources

SCHOOLS: (AISD)

Allen Elementary School Martin Middle School Johnston High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Allen Street	50'	30'	Local
5 th Street	65'	40'	Collector

CITY COUNCIL DATE: **ACTION**

December 15, 2005 Approved GR-MU-CO-NP on first reading

January 26, 2005 Postponed to February 16, 2005

February 16, 2005:

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330



SUMMARY STAFF RECOMMENDATION

C14-05-0123

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The addition of a mixed-use overlay would allow for the possibility of a more neighborhood supporting mix of residences and services.

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

The mixed-use overlay is designed to allow a flexibility of land uses, and permit development of residential – non-residential projects.

EXISTING CONDITIONS

The site is a roughly 1/3 acre site, currently zoned GR-NP, containing a vacant single family home and associated out building.

The site was rezoned from Limited Industrial (LI) to Community Commercial (GR) in 2003, as part of the Govalle/Johnston Terrace Combined Neighborhood Plan.

The request is to add the Mixed Use overlay to the property, changing the zoning to GR-MU-NP, and staff supports the request. The applicant is seeking the request in order to build six residential (multi-family) units on the site.

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Transportation

No additional right-of-way is needed at this time. Additional right-of-way may be required as the site is developed.

The trip generation under the requested zoning is estimated to be 1,985 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Allen Street	50'	30'	Local
5 th Street	65'	40'	Collector

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek and Colorado River Watersheds, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

The site is currently served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Site Plan

A site plan will be required for any new development other than single-family or duplex residential.

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.

The site is subject to compatibility standards. Along the north and 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.
- 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.