

ZONING CHANGE REVIEW SHEETCASE: C14-2020-0145DISTRICT: 32700, 2716, 2726 E. 5th Street RezoningZONING FROM: CS-MU-CO-NPTO: CS-MU-V-CO-NPADDRESS: 2700, 2716 and 2726 East 5th StreetSITE AREA: 4.55 AcresPROPERTY OWNER/APPLICANT: 2700 EAST 5TH JV LLC and BURNUP SIMS OF TEXASAGENT: Drenner Group, PC (Amanda Swor)CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)STAFF RECOMMENDATION:

Staff supports the Applicant's request to rezone the property to CS-MU-V-CO-NP. The conditional overlay is as follows:

- 1. The following uses are prohibited uses of the Property: Campground, Convenience storage, Exterminating services, Kennels, Pawn shop services and Adult oriented businesses.**
- 2. The following uses are conditional uses of the Property: Automotive washing (of any type) and Commercial of-street parking.**

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

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 9, 2021: To grant CS-MU-V-CO-NP as recommended by Staff, on consent. (10-0) [P. Howard- 1st, P. Seeger- 2nd; C. Hempel- Absent]

CITY COUNCIL ACTION:

April 8, 2021:

ORDINANCE NUMBER:

ISSUES:

The rezoning tract is located on a Core Transit Corridor. The applicant proposes to retain the prohibited and conditional land uses that were established in 2003 by Ordinance No. 030612-Z-14. ***Please see Exhibit C- Zoning Ordinance.***

CASE MANAGER COMMENTS:

The proposed rezoning is for 4.55 acre property located at the northwest corner of East 5th Street and Pleasant Valley Drive. East 5th Street is designated as a Core Transit Corridor adjacent to this property. The property is currently zoned CS-MU-CO-NP and is used for general warehousing and distribution services. Immediately west of the site is Capital Metro property that is also zoned CS-MU-CO-NP and is currently undeveloped. Further to the west and 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, GR-NP and CS-MU-CO-NP with various commercial uses including brewery, alternative financial services, day care, grocery store, and more. Across East 5th Street to the south are properties zoned GR-MU-CO-NP, CS-MU-CO-NP, and CS-MU-NP. These properties include a mix of uses including as convenience retail, liquor sales, and others, including a mixed-use building that contains townhouse/condominium units with ground floor commercial uses. Further south is a residential neighborhood zoned SF-3-NP. Across Pleasant Valley to the east is Capital Metro offices and facilities, zoned P-NP. Southeast of the rezoning tract are properties zoned GR-MU-NP and CS-MU-CO-NP occupied with pet services and automotive repair services. Further southeast are properties zoned MF-2-NP and SF-3-NP that contain furniture repair services and a mix of residential uses. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The zoning application states that the applicant proposes development of approximately 450 multifamily units, 50 live/work units and 2,000 square feet of ground floor commercial uses. As described, this proposal would require compliance with the proposed VMU building (V-) designation. A V- designation allows reduced parking and building setbacks, increased floor-to-area ratio (FAR) and other benefits that increase density. To take advantage of those benefits, the development would be required to provide onsite affordable housing and ground floor pedestrian oriented uses. For rental units, 10% of units must be available at 80% MFI for a period of 40 years.

Staff supports the rezoning request to add the V- designation and maintain the existing prohibited and conditional land uses. While residential or mixed use is permitted without the V- designation, the addition of the V- requires affordable units in exchange for additional density. The addition of multifamily at this location would add to the existing mix of townhouse/condominium and single family residential options in the area. The site is convenient to a variety of employment, retail, and public transportation within ¼-mile. Finally, the property is located on a Core Transit Corridor which is deemed by Code to be suitable for VMU development. Staff has received correspondence in support and in opposition to the rezoning request. ***Please see Exhibit D- Correspondence.***

BASIS OF RECOMMENDATION:

- 1. The proposed zoning should be consistent with the goals and objectives of the City Council.*
- 2. The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

3. *Zoning should promote clearly identified community goals, such as creating employment opportunities or providing for affordable housing.*

The requested CS-MU-V-CO-NP rezoning meets the criteria above. The rezoning would allow development of the property with both market rate and affordable ownership residential units. The Strategic Housing Blueprint, as adopted by Council, promotes additional affordable housing across the city. A mix of housing types in an area has been promoted by Commission and Council, to allow a range of individuals and families to find suitable options. The location on a Core Transit Corridor and within close distance of employment, retail, and mass transit options makes it suitable for increased residential density.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-CO-NP	General warehousing and distribution
North	CS-1-MU-CO-NP, GR-NP, CS-MU-CO- NP	Rail ROW, Brewery, Alternative financial services, Day care, Grocery store
South	CS-MU-CO-NP, GR-MU-CO-NP, SF-3-NP	Townhouse/condominium, Limited retail, Liquor sales, Single family residential
East	P-NP, GR-MU-NP, CS-MU-CO-NP, MF-2-NP, SF-3-NP	Capital Metro headquarters, Furniture repair services, Single family residential
West	CS-MU-CO-NP	Rail ROW, Undeveloped

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)
E 5 th Street	60'	40'	Level 2	Yes	Bike Lane	Yes
N Pleasant Valley	85'	42'	Level 3	Yes	Shared Lane	Yes

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2019-0089 2700 East 5 th Street	LI-NP to CS-MU-NP	9/24/2019: To grant CS-MU-CO-NP with prohibited and conditional uses to match adjacent property, plus alternative financial services and bail bond services, on consent.	10/17/2019: To grant CS-MU-CO-NP as rec., on consent.

OTHER STAFF COMMENTS:**COMPREHENSIVE PLANNING**

Connectivity: Public sidewalks are available along both sides of East 5th Street and Pleasant Valley Road. East 5th Street also has bike lanes. A public transit stop is located immediately adjacent to the property on Pleasant Valley Road. The mobility and connectivity options in this area are excellent.

Holly Neighborhood Plan (HNP): The HNP Future Land Use Map classifies this property as Mixed Use. Zone CS-MU-V is permitted under this FLUM category. Mixed Use is defined as an area that is intended for a mix of residential and non-residential uses, including office, retail and commercial services. The following HNP policies and text are applicable to this case.

Goal 1: Promote a variety of housing options for a mixture of different incomes. (P. 9)

Objective 1.3: Increase affordable housing opportunities for both home ownership and rental.

Goal 2: Encourage opportunities to address compatibility between different residential, commercial and industrial uses. (P 10)

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

Objective 2.5: Encourage appropriate uses and scale of commercial.

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. (P 13)

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.

Goal 7: Preserve the neighborhood's historical and cultural character.

Objective 7.1: Preserve the neighborhood's culture

The HNP appears to support Mixed Use in this portion of the planning area, which would include multifamily uses, live/work units, a commercial component and required affordable housing.

Imagine Austin. The property is located adjacent to the Plaza Saltillo Neighborhood Center' and along an 'Activity Corridor' as identified on the Imagine Austin's Growth Concept Map. A Neighborhood Center is intended to have a more local focus, businesses and services and will generally serve the center and surrounding neighborhoods. A Neighborhood Center and Activity Corridors supports additional housing, including apartment buildings. Like many Imagine Austin Centers, this center is represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center's actual boundaries would need to be clarified through a small area planning process. Regional, town, and neighborhood centers are supposed to be walkable, bikable, and supported by transit. The project is also located along the Pleasant Valley Activity Corridor. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They 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. The following IACP policies are also relevant to this case:

- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Conclusion: Based on this property: (1) adjoining a Neighborhood Center and being along an Activity Corridor, which supports a variety of uses, including mixed use; (2) the Imagine Austin policies referenced above, which supports a variety of land uses including retail and housing and (3) the strong mobility and connectivity option in this area, this project supports the Imagine Austin Comprehensive Plan.

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

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

TRANSPORTATION

ASMP Assessment- The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 100 feet of right-of-way for N Pleasant Valley Road and 78 feet of right-of-way for E 5th Street. It is recommended that 50' of right-of-way from the existing centerline should be dedicated for N Pleasant Valley and that 39' of right-of-way from the existing centerline be should dedicated for E 5 Street with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55]. There is a proposed Tier II Urban Trail adjacent to the northern boundary of this site along the Mogan Corridor rail line.

Transportation Assessment- Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E 5 th Street	60'	40'	Level 2	Yes	Bike Lane	Yes
N Pleasant Valley	85'	42'	Level 3	Yes	Shared Lane	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. Zoning Ordinance
- D. Correspondence



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Created: 12/15/2020



Property Profile

Legend **EXHIBIT B**

- Street Labels
- Zoning Review Cases- IN REV
- Core Transit Corridors
- Zoning Text



1: 4,800



0.2 0 0.08 0.2 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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Notes

ORDINANCE NO. 030612-Z-14

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 Goodman

Gustavo L. Garcia

Mayor

Mayor Pro Tem

APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Shirley A. Brown
Shirley A. Brown
City Clerk

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2020-0145

Contact: Heather Chaffin, 512-974-2122

**Public Hearing: February 23, 2021, Planning Commission
March 25, 2021, City Council**

Edgar Walters

Your Name (please print)

☒ I am in favor
☐ I object

2401 E. 6th street, apt. 2031

Your address(es) affected by this application

Edgar Walters

2/21/21

Signature

Date

Daytime Telephone: 832-623-4355

Comments: Yes please - the taller and denser the better. I am all for more neighbors, and this location ~~area~~ is perfect for density given its proximity to coming rail stations. I would also support lower parking requirements for the site, given its transit accessibility.

If you use this form to comment, it may be returned to:

City of Austin

Housing and Planning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

Or: heather.chaffin@austintexas.gov

From:
Sent: Thursday, March 4, 2021 10:17 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc:
Subject: Case# C14-2020-0145 - Objection

*** External Email - Exercise Caution ***

Good Morning Ms. Chaffin

I am writing in response to a notice I received via US Mail regarding case # C14-2020-0145, for project 2700, 2716, 2726 East 5th Street, owner 2700 East 5th JV LLC. A hearing is scheduled for March 9th with the Planning Council and April 8th, 2021, with the City Council.

I object to the proposed changes.

I also do not give approval for my personal information (email/name/cell/etc) to be provided to this developer/owner. This has happened in the past and resulted in the developer and then a lawyer representing them calling me on my cell phone unsolicited more than once despite my clearly stating I did NOT want their contact, nor gave permission to distribute my personal information to said strangers.

I object to the proposed changes for case # C1402020-0145.

Thank you,
B. Wilson

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