

**ZONING CHANGE REVIEW SHEET**CASE: C14-2021-0162 – Amaya’s Building ProjectDISTRICT: 4ZONING FROM: CS-CO-NPTO: CS-MU-CO-NPADDRESS: 5804 N IH 35 SVRD SBSITE AREA: 51,467 SF (1.18 acres)PROPERTY OWNER:

Roberto C Amaya, INC

AGENT:Moreno Development Services  
(Candelario Moreno)CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))STAFF RECOMMENDATION:

**Staff recommends general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. The conditional overlay is for a set of prohibited and conditional land uses.** *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

**November 17, 2021**    **Approved CS-MU-CO-NP combining district zoning as staff recommended on the consent agenda. Vote: 8-0. [Commissioner Shieh - 1<sup>st</sup>, Commissioner Schneider - 2<sup>nd</sup>; Commissioners Connolly, Howard, Mushtaler, Praxis and Llanes Pulido were absent.**

CITY COUNCIL ACTION:

**December 9, 2021**    **Scheduled for City Council**

ORDINANCE NUMBER:ISSUES

Currently there are no known issues. Staff has received a comment in favor of this rezoning request. For all written or emailed comments, please see *Exhibit C: Correspondence Received*.

**CASE MANAGER COMMENTS:**

This property is approximately 1.18 acres in size and currently developed with a restaurant use and associated parking. It is located adjacent to the IH-35 southbound frontage road and zoned CS-CO-NP. Adjacent and surrounding zoning districts include CS-CO-NP to the north, south and west.

This property was rezoned in 2002 as a part of the North Loop Neighborhood Plan Area process (Ordinance No. 020523-31). The following prohibited and conditional land uses were put on this property through a conditional overlay at that time. Should City Council approve this rezoning request, staff recommends that these conditions be carried over with the new ordinance:

***Prohibited Land Uses***

Adult oriented businesses  
Pawn shop services

***Conditional Land Uses***

Campground  
Commercial blood plasma center  
Convenience storage  
Equipment sales  
Kennels  
Vehicle storage

The previous zoning ordinance also prohibited “residential treatment” and “transitional housing”. These uses will no longer be prohibited because the uses, while classified as civic, provide housing choice at a site that will include a residential component through the mixed use designation.

The applicant is requesting to add mixed use (MU) to their current zoning to redevelop the site with a restaurant on the ground level and condominiums above it. Per their application, they are proposing up to 70 residential units with a mixture of one- and two-bedroom units ranging from 600 to 1,200 square feet. The future land use map (FLUM) designates this property as “commercial” and therefore requires a neighborhood plan amendment (NPA) to be considered with the rezoning request. Please refer to case no. NPA-2021-0011.02.

**BASIS OF RECOMMENDATION:**

1. *The proposed zoning should be consistent with the purpose statement of the district sought. Zoning changes should promote compatibility with adjacent and nearby uses.*

This property is surrounded by existing CS base zoning with an existing restaurant built at the site. The applicant is proposing to redevelop the property with a mixed use development containing a restaurant on the ground floor and condominiums above it. Rezoning this property to CS-MU-CO-NP would be consistent with the combining district zoning requested and be compatible with the surrounding zoning pattern.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-CO-NP	Restaurant (general)
North	CS-CO-NP	Hotel-Motel
South	CS-CO-NP	Hotel-Motel, General Retail Sales (General)
East	Not applicable	IH-35 frontage road right-of-way
West	CS-CO-NP	Hotel-Motel

NEIGHBORHOOD PLANNING AREA: North Loop NP Area

TRAFFIC IMPACT ANALYSIS (TIA): shall be required at time of site plan if triggered per LDC 25-6-113

WATERSHED: Tannehill Branch Creek Watershed

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards, Selected Sign Ordinances

SCHOOLS: Ridgetop Elementary, Lamar Middle and McCallum High Schools

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	North Loop Neighborhood Plan Contact Team
Austin Lost and Found Pets	Preservation Austin
Austin Neighborhoods Council	Responsible Growth for Windsor Park
Central Austin Community Development	Ridgetop Neighborhood Association
Del Valle Community Coalition	SELTexas
Friends of Austin Neighborhoods	Sierra Club, Austin Regional Group
Homeless Neighborhood Association	Windsor Park Neighborhood Association
Neighborhood Empowerment Foundation	Windsor Park Neighborhood Plan Contact
Neighbors United for Progress	
North Austin Neighborhood Alliance	

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2010-0094 921 Reinli Rezone 921 Reinli Street	From CS-CO-NP to CS-1-NP	Approved staff's recommendation of CS- 1-CO-NP; CO was to limit the vehicle trips to 2000 per day, and a set of prohibited and conditional land uses.	Granted CS-1-CO-NP as Commission recommendation (09/23/2010).

RELATED CASES:

NPA-2021-0011.02: this is the associated neighborhood plan amendment case being considered with this rezoning request.

C14-02-0009: this is the rezoning case for the North Loop Neighborhood Plan area (ordinance number: 020523-31). This property was rezoned from CS to CS-CO-NP during this process. The conditional overlay consisted of a set of prohibited and conditional land uses.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Reinli St	60'	40'	Level 1	No	No	Yes
N IH 35 SVRD SB (TxDOT)	350'	Multilane divided highway	Level 4	Yes	No	Yes

OTHER STAFF COMMENTS:Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch 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. 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 square feet cumulative is exceeded, and on-site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### PARD Review

PR1. Parkland dedication will be required for the new residential units proposed by this development, condominium with CS-CO-MU-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

#### Site Plan

- SP1. Site plans will be required for any new development other than single-family or duplex residential.
- SP2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP3. There is no site plan currently under review for this property.

#### Transportation

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.

Austin Water Utility

AW1. 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. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

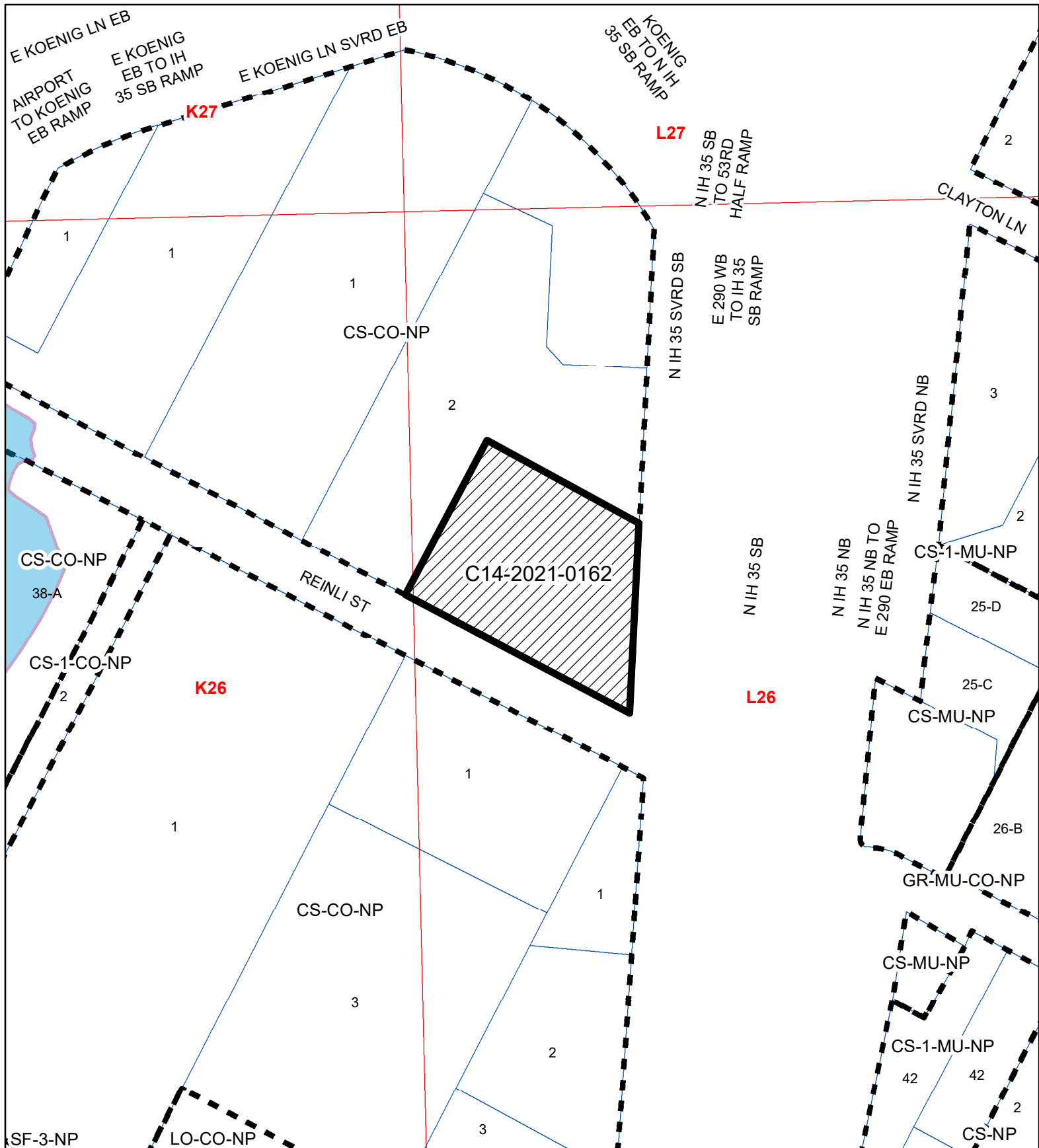
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received







### Amaya's Building Project

Exhibit A

ZONING CASE#: C14-2021-0162  
 LOCATION: 5804 North IH 35 Service Road SB  
 SUBJECT AREA: 1.185 Acres  
 GRID: L26  
 MANAGER: Wendy Rhoades



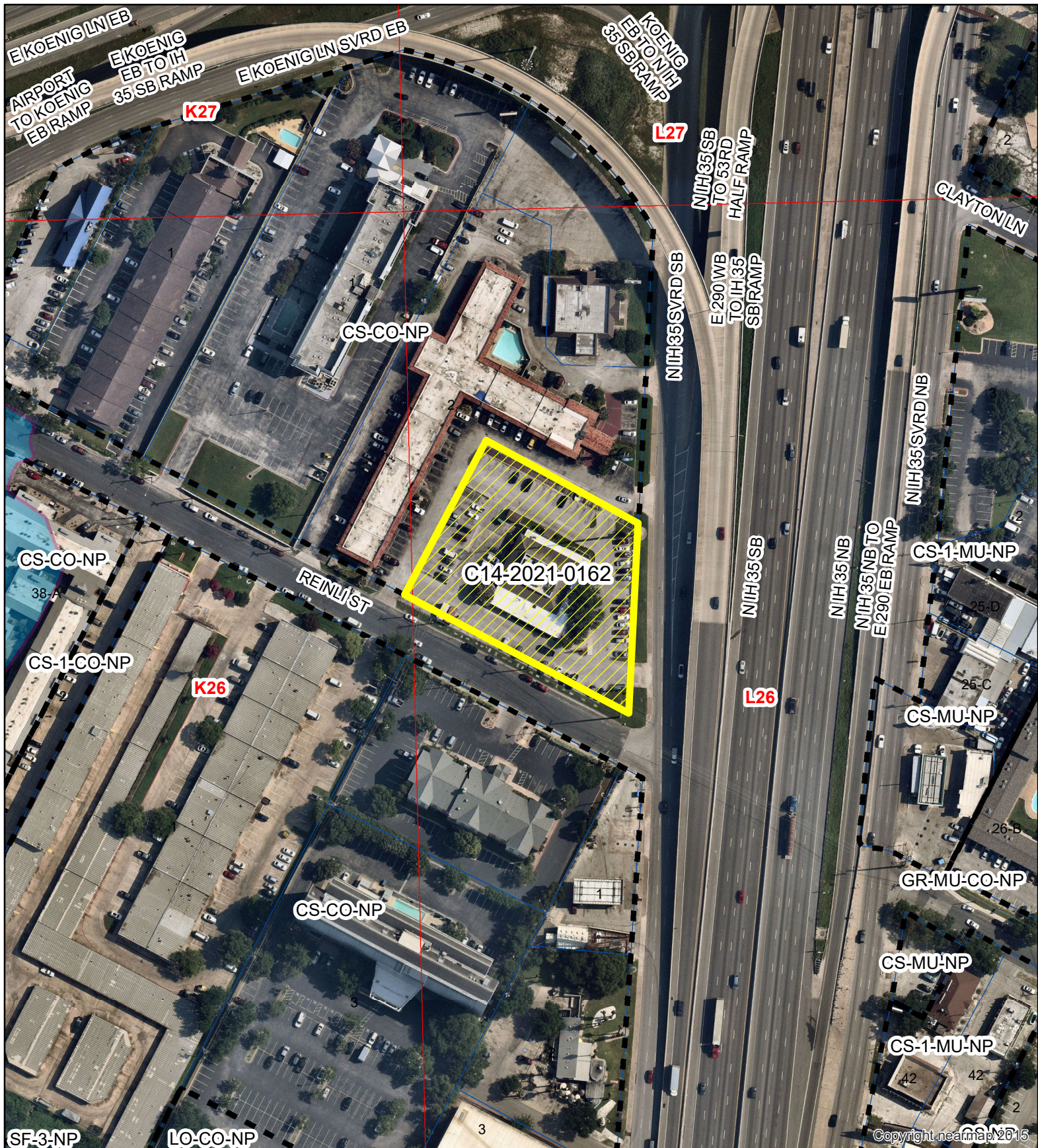
1" = 150'

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

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.







N



1" = 150'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

### Amaya's Building Project

ZONING CASE#: C14-2021-0162  
 LOCATION: 5804 North IH 35 Service Road SB  
 SUBJECT AREA: 1.185 Acres  
 GRID: L26  
 MANAGER: Wendy Rhoades

Exhibit B

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.





## Clark, Kate

James

**Importance:** High

Thanks.  
Maureen

**Cc:** 'Candelario Moreno'

**Subject:** North Loop Neighborhood Plan Contact Team Approval of Amaya's Rezoning Application

\*\*\* External Email - Exercise Caution \*\*\*

Maureen,

This is to confirm that the North Loop Neighborhood Plan Contact Team met last week and unanimously voted to approve the out-of-cycle submission of the rezoning application for the Amaya's property on I-35. I understand that Candy Moreno (copied) is handling the application on behalf of Amaya's.

The general consensus from the Planning Team is that we are excited for and approve of the redevelopment as proposed.

Let me know if you have any questions.

Thanks,

James Howard  
North Loop Neighborhood Plan Contact Team Chair



**Maureen Meredith, Senior Planner**

**Inclusive Planning Division**

**Housing and Planning Department**

Office: (512) 974-2695

Schedule: M-Th, 8 AM – 6:30 PM

*Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.*