

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Govalle/Johnston Terrace Combined Neighborhood Plan

NPA CASE#: NPA-2009-0016.02

ZONING CASE#: C14-2009-0083 (JH)

PC PUBLIC HEARING DATE: October 27, 2009

ADDRESS: 4710 E. 5th Street **AREA:** Approx. 0.4957 Acres

APPLICANT/OWNER: Drake Builders (Justine Gilcrease)

AGENT: Justine Gilcrease

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Commercial

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2009-0083 (JH)

From: CS-CO-NP, General Commercial Services – Conditional Overlay- Neighborhood Plan Combining District

To: CS-MU-CO-NP, General Commercial Services – Mixed Use – Conditionals Overlay Neighborhood Plan Combining District

PLAN ADOPTION DATE: March 27, 2003

STAFF RECOMMENDATION: The staff recommendation is to **APPROVE** the requested change from COMMERCIAL on the Future Land Use Map (FLUM) to MIXED USE land use designation.

BASIS FOR RECOMMENDATION: The requested amendment is consistent with the Land Use recommendations in the Govalle/Johnston Terrace Combined Neighborhood Plan. See *Analysis* for more details.

PLANNING COMMISSION RECOMMENDATION: (pending)

BACKGROUND: The Govalle/Johnston Terrace Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on March 27, 2003. The requested plan amendment is in

the Johnston Neighborhood Planning Area. The boundaries of the planning area are: Austin NW Railroad on the north, Airport Boulevard on the east, Ed Bluestein on the south and on the west.

The property is an older home that was refurbished by the owners into a small French restaurant. The owners plan to build a home behind the restaurant where they will live; consequently, the owner's request a plan amendment from COMMERCIAL to MIXED USE to accommodate the zoning change to add the Mixed Use Overlay to the existing zoning. The property owners agreed to limit the residential portion of the Mixed Use Overlay to one single-family home.

ANALYSIS: The plan amendment request supports the following Govalle/Johnston Terrace Neighborhood Plan land use goals:

- Goal 1: Adjacent land uses should be compatible
- Goal 2: Preserve and protect current and future single-family neighborhoods.
- Goal 3: Develop a balanced and varied pattern of land uses.
- Goal 4: Create and preserve a sense of "human scale" to the built environment of the neighborhood

Analysis: The proposed plan amendment will allow the owners to live and work on their property. The owners have negotiated with the planning contact team to limit the residential portion of the mixed use to one single family home, which will keep the development small and human-scale and will not negatively affect the single-family neighborhoods to the north and west of the property. The plan amendment does not create an arbitrary land use in the area.

The plan amendment request supports the following **Land Use Planning Principles**

- ❖ Ensure that the decision will not create an arbitrary development pattern;
 - *The land use change is consistent with the area.*
- ❖ Ensure an adequate and diverse supply of housing for all income levels;
 - *The land use and zoning change will supply housing for the immediate needs of the property owners and any future owners of the property.*
- ❖ Minimize negative effects between incompatible land uses;
 - *The change does not create an incompatible land use.*
- ❖ Discourage intense uses within or adjacent to residential areas;
 - *The change does not increase the intensity compared to the surrounding land uses.*
- ❖ Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;
 - *The restaurant and single-family home will not have an adverse effect on the neighborhood.*
- ❖ Promote expansion of the economic base and create job opportunities;
 - *The restaurant will provide jobs in the area.*
- ❖ Ensure similar treatment of land use decisions on similar properties;
 - *The land use change is consistent with the area.*
- ❖ Consider infrastructure when making land use decisions;
 - *The restaurant is built on an in-fill property where infrastructure already exists.*

- ❖ Promote development that serves the needs of a diverse population.
 - *The mixed use land use will allow a young couple to live and work on their property reducing car trips. It also allows the owners to be caretakers of their business on the property.*

PUBLIC MEETINGS: On August 31, 2009 staff from the Planning and Development Review Department presented the plan amendment application to the Govalle/Johnston Terrace Planning Contact Team and to other interested parties who were notified within 500 feet of the proposed plan amendment. Approximately 15 people attended the meeting.

At the meeting the applicant and her husband stated that they bought the property in 2006 and remodeled the home for a French restaurant. The home was built in 1937. The couple has been living in a small trailer behind the home when a Code Enforcement Officer cited them for not having the proper zoning. They applied for a zoning change and plan amendment so they could live and work on their property.

The attendees at the meeting expressed concern that the property was large enough to have more than one home, which the PCT did not support. The owners agreed to a condition that would limit the property to one single-family home limited in size and height.

The Govalle/Johnston Terrace Planning Contact Team supports the plan amendment and zoning change with the above conditions. The final letter will be submitted as late back-up.

NEIGHBORHOOD ASSOCIATIONS REGISTERED IN THE AREA

| Rec | SDE.NEIGHASSOC.NUM | SDE.NEIGHASSOC.NAME |
|-----|--------------------|---|
| 1 | 786 | Home Builders Association of Greater Austin |
| 2 | 742 | Austin Independent School District |
| 3 | 511 | Austin Neighborhoods Council |
| 4 | 744 | Sentral Plus East Austin Coalition (SPEAK) |
| 5 | 476 | Buena Vista Neighborhood Assn. |
| 6 | 386 | Central East Austin Business Owners Assn. |
| 7 | 30 | Guadalupe Neighborhood Development Corp. |
| 8 | 1037 | Homeless Neighborhood Organization |
| 9 | 681 | Govalle/Johnston Terrace Planning Team of Neigh. Orgs. |
| 10 | 988 | Brooke Elementary Neighborhood |
| 11 | 1113 | Austin Parks Foundation |
| 12 | 619 | Brooke Neighborhood Assn. |
| 13 | 972 | PODER People Organized in Defense of Earth & Her R |
| 14 | 1188 | Austin Street Futbol Collaborative |
| 15 | 1168 | Email Notification Test Group |
| 16 | 1189 | Tejano Town |
| 17 | 300 | Terrell Lane Interceptor Assn. |
| 18 | 1075 | League of Bicycling Voters |
| 19 | 1220 | Greater East Austin NA |
| 20 | 477 | El Concilio, Coalition of Mexican American Neigh. Assn. |
| 21 | 1225 | Cristo Rey Neighborhood Association |

| | | |
|----|------|---|
| 22 | 1199 | United East Austin Coalition |
| 23 | 1224 | Austin Monorail Project |
| 24 | 1228 | Sierra Club, Austin Regional Group |
| 25 | 1200 | Super Duper Neighborhood Objectors and Appealers Organization |
| 26 | 1017 | East River City Citizens |

CITY COUNCIL DATE: November 19, 2009 **ACTION:** (pending)

CASE MANAGERS: Maureen Meredith, Senior Planner, 974-2695

E-MAIL: maureen.meredith@ci.austin.tx.us

Govalle/Johnston Terrace Neighborhood Planning Team
Preserving and Improving our Neighborhoods

October 9, 2009

The Review Committee for the Govalle/Johnston Terrace Planning Team held its meeting on August 31, 2009 and heard a presentation for a zoning change request from

Pierre & Justine Pelegrin on their property located at 4710 E. 5th, currently zoned CS-CO-NP. They are requesting a zoning of CS-MU for the entire tract so that they may build a house behind the current restaurant they have on the property.

After much discussion the Review Committee and the applicant agreed to support the change from CS-CO-NP to CS-MU with the following Conditional Overlay restrictions:

1) To allow for a single family unit to be built on the property with restrictions. If the property is sold, the property would have restrictions that only allow one SF unit and anyone wanting to do more would have to come before the Review Committee process for any other zoning change.

2) Limit residential development to one single family residence. The residence is limited to 2 stories and 30 feet in height.

3) Prohibited under Conditions are included:

| | |
|---|---------------------------------|
| Agricultural sales and services | Automotive rentals |
| Automotive repair services | Automotive sales |
| Automotive washing (of any type) | Building maintenance services |
| Commercial off-street parking | Construction sales and services |
| Equipment sales | |
| Limited warehousing and distribution | |
| Drive-in service as an accessory use to commercial uses | |

The following are restrictions also included by the Neighborhood Plan and are included in the Conditional Overlay for this approval.

4) Prohibit the following uses:

| | |
|---------------------------|-----------------------|
| Adult oriented businesses | Campground |
| Kennels | Laundry Services |
| Pawn shop services | Residential Treatment |
| Vehicle Storage | |

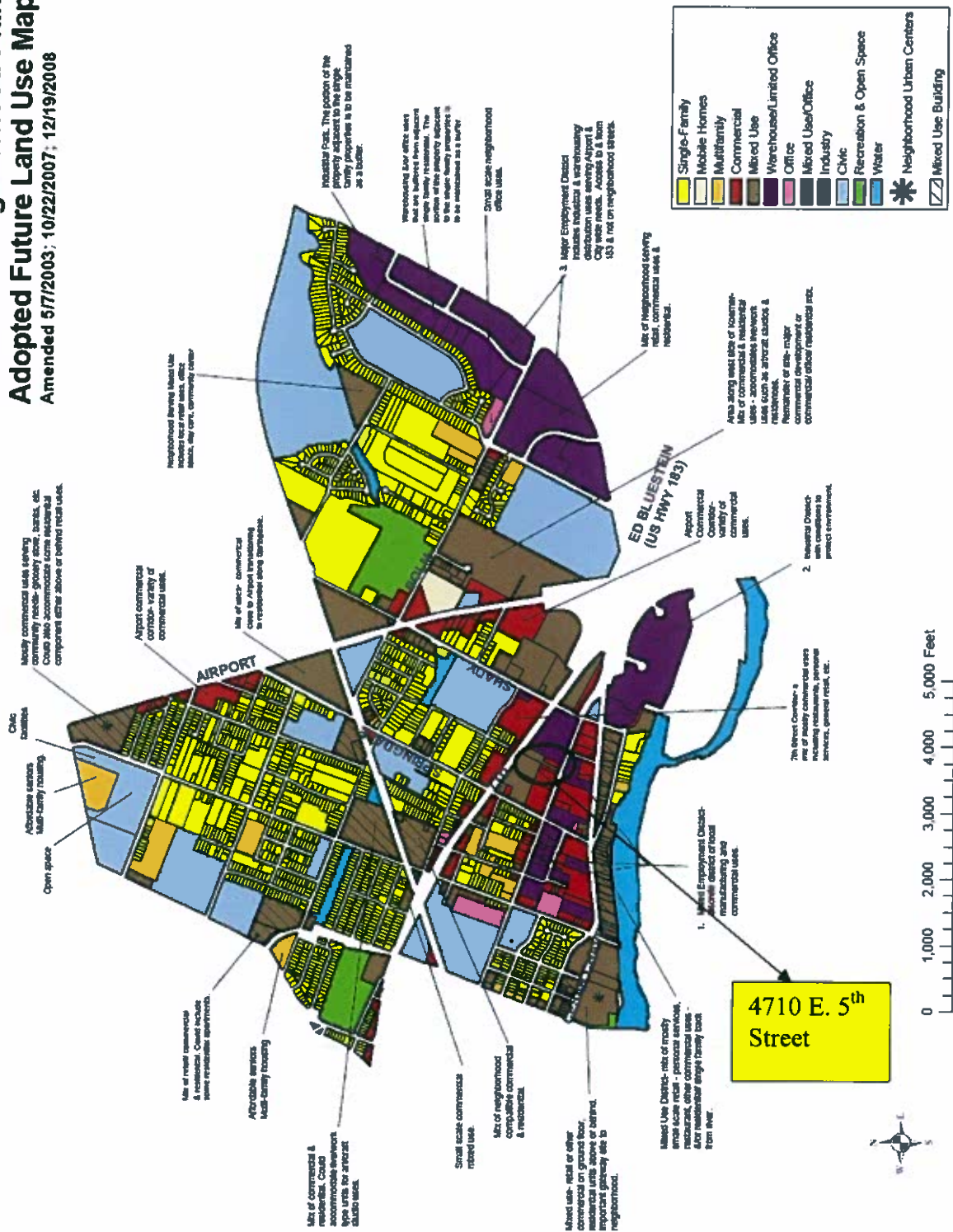
These conditions are hereby agreed to by the Review Committee and the applicant, represented by:

Daniel Llanes
Coordinator, Review Committee
Govalle/Johnston Terrace Planning Team

Justin Pelegrin
owner/applicant
4710 E. 5th St.



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. This map has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





4710 E. 5th Street
Request: Commercial
to Mixed Use











Govalle/Johnston Terrace Neighborhood Plan Amendment NPA-2009-0016.02

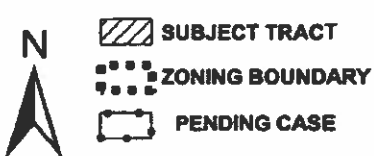
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Future Land Use

| | |
|--|---|
|  SDE TCAD_Parcels |  Industry |
| FLU |  Mixed Use |
|  Civic |  Office |
|  Commercial |  Single Family |
|  High Density Mixed Use | |

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1" = 400'

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: NPA-2009-0016.02
 ADDRESS: 4710 E 5TH ST
 SUBJECT AREA: 0.49 ACRES
 GRID: L21
 MANAGER: M. MEREDITH



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4710 E. 5th Street – Justine's Brasserie



Justine's restaurant patio area



View west on E. 5th Street

View east on E. 5th Street

November 19, 2009 – City Council Hearing



Property to the east of 4710 E. 5th Street

Property to the west of 4710 E. 5th Street

