

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0082 / Archways

P.C. PUBLIC HEARING DATE: November 10, 2009

ADDRESS: 2500, 2502, 2504 and 2506 Manor Road and East 32nd Street (0.3440 acres)

AREA: 2.3827 acres (103,790.41 square feet)

APPLICANT/ AGENT: Land Answers (Jim Wittliff) 512-416-6611

OWNER: Berkowitz Investments, LLC (Jason and Richard Berkowitz) 512-480-9886

ZONING FROM:

Tract 1 and Tract 2 – LO-MU-CO-NP, Limited Office – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District

Tract 3 and Tract 4 – MF-4-NP, Multifamily Residence (Moderate-High Density) – Neighborhood Plan Combining District

Tract 5 – SF-3-NP, Family Residence – Neighborhood Plan Combining District

TO:

Tract 1 – LR-MU-CO-NP, Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District

Tract 2(a) – LR-MU-CO-NP, Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District

Tract 2(b) (footprint) – CS-1-MU-CO-NP, Commercial -Liquor Sales – Mixed Use – Conditional Overlay – Neighborhood Plan

Tract 3 and Tract 4 – LR-MU-CO-NP, Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District

Tract 5 – GO-MU-CO-NP, General Office – Mixed Use – Conditional Overlay - Neighborhood Plan Combining District

STAFF RECOMMENDATION:

Tract 1: Staff recommends changing the zoning to (LR-MU-CO-NP) Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District for Tract 1. The Conditional Overlay will prohibit Service Station use and limit vehicle trips to less than 2,000 per day across Tracts 1-5.

Tract 2: Staff recommends changing the zoning to (LR-MU-CO-NP) Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District for Tract 2(a). The Conditional Overlay will prohibit Service Station use and limit vehicle trips to less than 2,000 per day across Tracts 1-5.

Staff recommends a footprint zoning of CS-1-CO-NP for Tract 2(b). The Conditional Overlay will limit vehicle trips to less than 2,000 per day across Tracts 1-5 and prohibits the following uses: Auto Repair, Auto Washing, Auto Sales, Bail Bonds, Construction Sales and Services, Convenience Storage, Drop-off Recycling, Electronic Prototype Assembly, Equipment Sales, Exterminating Services, Kennels, Laundry Service, Pawn Shop, Service Station, Vehicle Storage, Custom Manufacturing, Limited Warehouse and Distribution and Residential Treatment.

Tracts 3 and 4: Staff recommends changing the zoning to (LR-MU-CO-NP) Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District for Tracts 3 and 4. The Conditional Overlay will limit vehicle trips to less than 2,000 per day across Tracts 1-5, prohibit Service Station use, and require that Commercial and or Retail uses on each tract not exceed 40% of the total floor area on that tract.

Tract 5: Staff recommends changing the zoning to (GO-MU-CO-NP) General Office – Mixed Use – Conditional Overlay - Neighborhood Plan Combining District for Tract 5. The Conditional Overlay will limit vehicle trips to less than 2,000 per day across Tracts 1-5 and prohibit all land uses except Off-site Accessory Parking.

PLANNING COMMISSION RECOMMENDATION: On November 10, 2009, the Planning Commission *APPROVED* staff's recommendation for LR-MU-CO-NP (tract 1), LR-MU-CO-NP (tract 2a) & CS-1-MU-CO-NP (tract 2b), LR-MU-CO-NP (tract 3 & 4) and GO-MU-CO-NP (tract 5); was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; 1 vacancy on the Commission.

ISSUES: The Upper Boggy Creek Neighborhood Contact Team has provided a letter of support for the applicant's Neighborhood Plan Amendment and rezoning cases.

DEPARTMENT COMMENTS:

The 2.38-acre site is currently zoned LO-MU-CO-NP on Tracts 1 and 2, MF-4-NP on Tracts 3 and 4, and SF-3-NP on Tract 5. These tracts front Manor Road (between Cherrywood Road and Walnut Avenue), to which both ingress and egress access is taken. The site lies within the Upper Boggy Creek Neighborhood Plan and is surrounded single-family to the north and multi-family to the south, east and west.

The subject property is currently developed with two single-story residences that have been converted into offices and apartment complexes. The applicant is requesting LR-MU-CO-NP on Tracts 1, 3, and 4, LR-MU-CO-NP on Tract 2(a) with a footprint of CS-1-MU-CO-NP on Tract 2(b), and GO-MU-CO-NP on Tract 5 in order to construct a mixed use development that will include Restaurants, Offices, Retail, Residential uses and a Cocktail Lounge.

The staff recommendation is to approve the requested zoning change because it allows for reasonable use of the property. As currently developed, the site has a mixture of uses, building vintages and styles. The applicant is proposing this rezoning in order to bring about consistent redevelopment that is compatible across all tracts as well as with adjacent properties. Additionally, similarly situated properties in this area have LR or a more intensive zoning.

EXISTING ZONING AND LAND USE INFORMATION:

	ZONING	LAND USES
<i>Site</i>	LO-MU-CO-NP, MF-4-NP, SF-3-NP	Office / Multi-family
<i>North</i>	SF-3-NP	Single-family
<i>South</i>	CS-MU-CO-NP	Multi-family
<i>East</i>	MF-4-NP	Multi-family
<i>West</i>	CS-MU-CO-NP	Multi-family

NEIGHORHOOD PLAN AREA: Upper Boggy Creek

TIA: A traffic impact analysis was not required for this case.

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED COMMUNITY ORGANIZATIONS:

Home Builders Association of Greater Austin
Austin Neighborhoods Council
Homeless Neighborhood Organization
Mueller Neighborhoods Coalition
Austin Parks Foundation
PODER People Organized in Defense of Earth & Her Resources
Anberly Airport Assn.
Cherrywood Neighborhood Assn.
Keep the Land
Austin Street Futbol Collaborative
League of Bicycling Voters
Upper Boggy Creek Neighborhood Planning Team
Austin Monorail Project
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization

SCHOOLS: (AISD)

Maplewood Elementary School

Kealing Middle School

McCallum High School

CASE HISTORIES: There are no relevant case histories on or surrounding the subject tract.

RELATED CASES: The Upper Boggy Creek Neighborhood Plan rezonings were approved by Council on August 1, 2002 (C14-02-0057). A Neighborhood Plan Amendment to change the FLUM designation from Mixed Use/Office and Multifamily to Mixed Use is also in process (NPA-2009-0012.02).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Manor Rd	62'	42'	Arterial	Yes	Yes	Yes

CITY COUNCIL DATE:

December 10, 2009

ACTION:

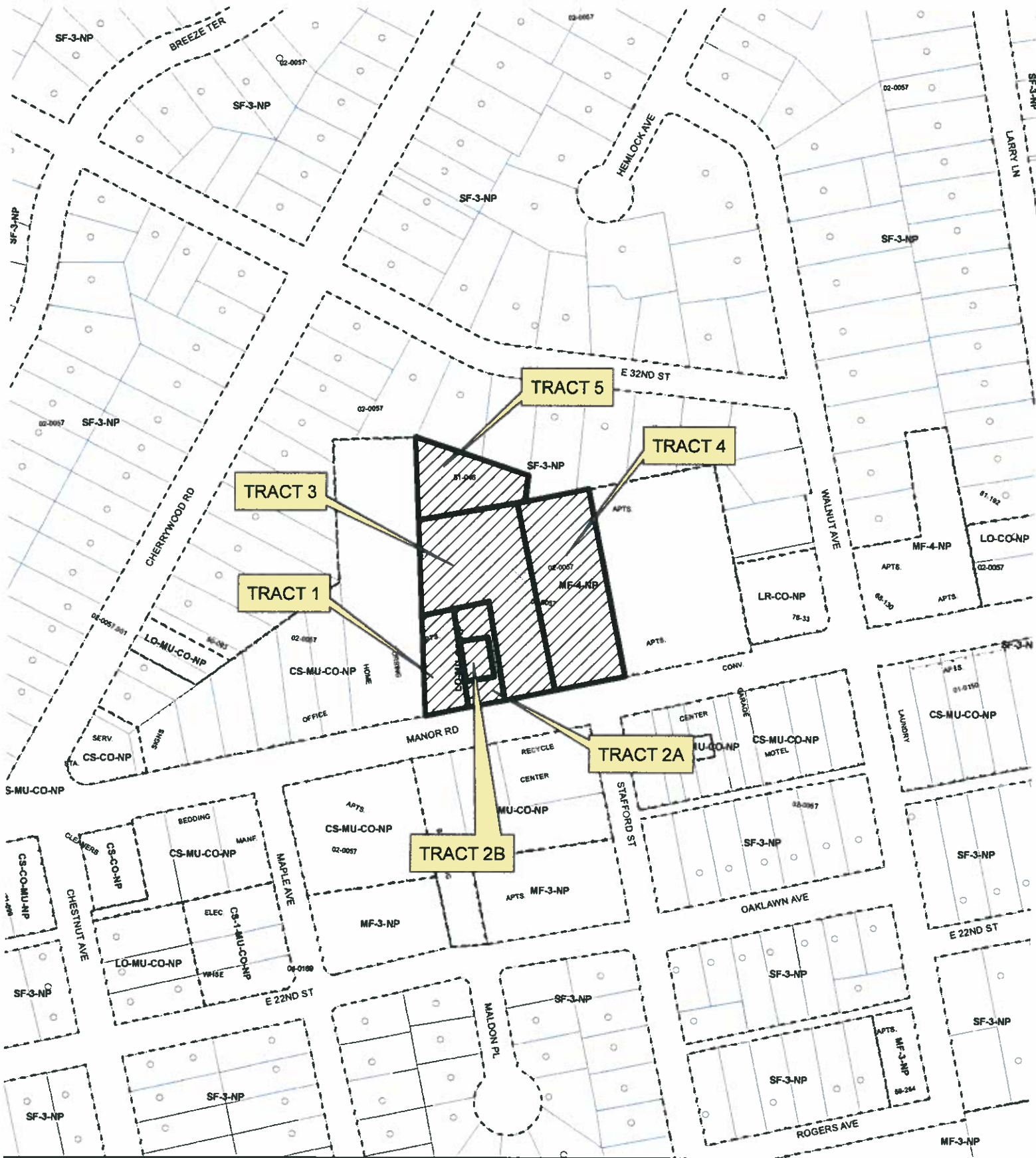
ORDINANCE READINGS: 1st 2nd 3rd


ORDINANCE NUMBER:

ZONING CASE MANAGER: Joi Harden


PHONE: 974-2122


E-mail: joi.harden@ci.austin.tx.us






1" = 400'

 **SUBJECT TRACT**

 **ZONING BOUNDARY**

 **PENDING CASE**

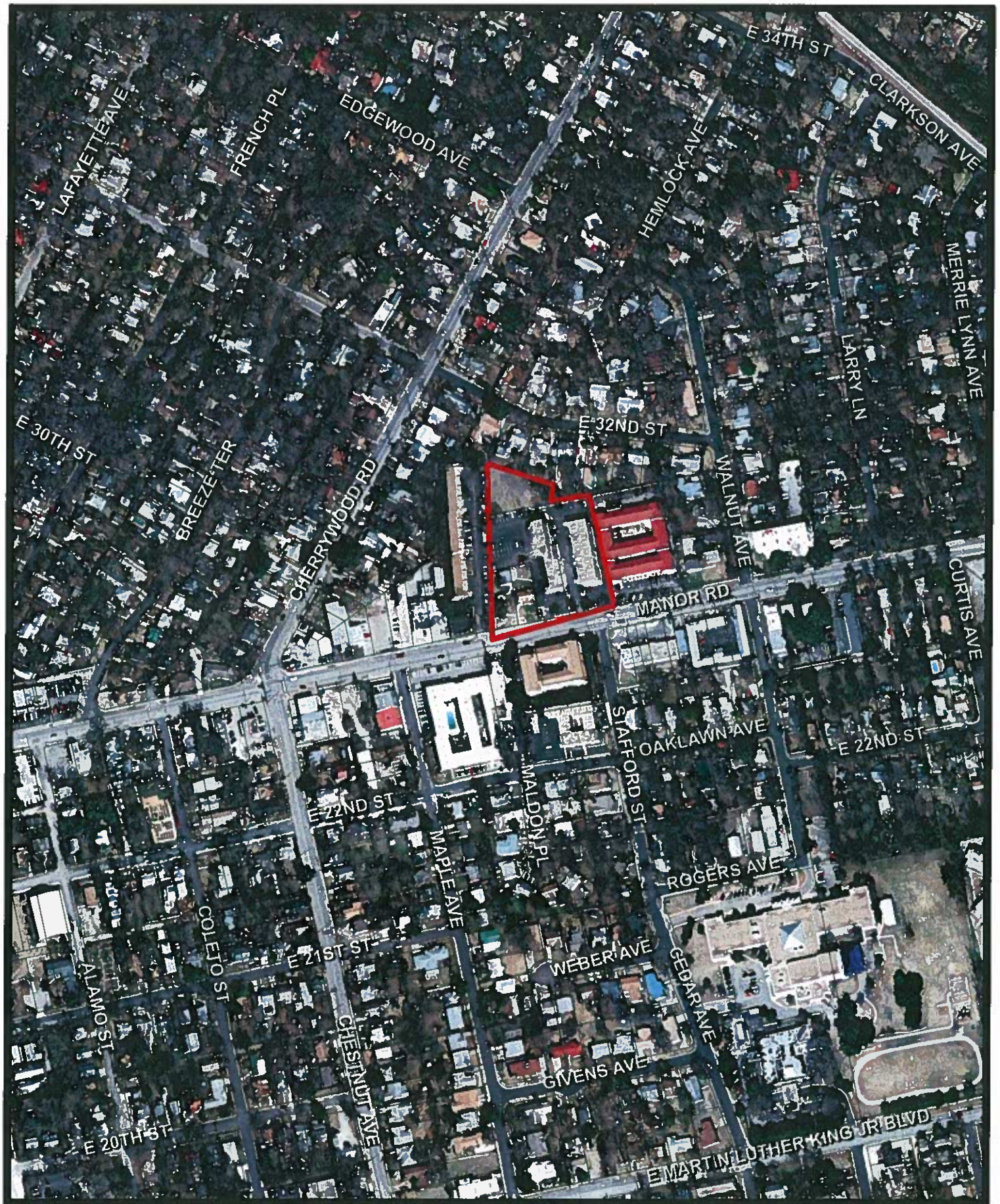
OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2009-0082
ADDRESS: 2500 MANOR RD
SUBJECT AREA: 2.3827 ACRES
GRID: K23-24
MANAGER: J. HARDEN



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**C14-2009-0082 2500, 2502, 2504,
2506 Manor Rd. and E. 32nd ST. (0.334 acres)
From LO-MU-CO-NP, MF-4-NP and SF-3-NP District Zoning to
LR-MU-CO-NP, CS-1-MU-CO-NP, and GO-MU-CO-NP District Zoning**



STAFF RECOMMENDATION:

Tract 1: Staff recommends changing the zoning to (LR-MU-CO-NP) Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District for Tract 1. The Conditional Overlay will prohibit Service Station use and limit vehicle trips to less than 2,000 per day across Tracts 1-5.

Tract 2: Staff recommends changing the zoning to (LR-MU-CO-NP) Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District for Tract 2(a). The Conditional Overlay will prohibit Service Station use and limit vehicle trips to less than 2,000 per day across Tracts 1-5.

Staff recommends a footprint zoning of CS-1-CO-NP on Tract 2(b). The Conditional Overlay will limit vehicle trips to less than 2,000 per day across Tracts 1-5 and prohibits the following uses: Auto Repair, Auto Washing, Auto Sales, Bail Bonds, Construction Sales and Services, Convenience Storage, Drop-off Recycling, Electric Prototype Assembly, Equipment Sales, Exterminating Services, Kennels, Laundry Service, Pawn Shop, Service Station, Vehicle Storage, Custom Manufacturing, Limited Warehouse and Distribution and Residential Treatment.

Tracts 3 and 4: Staff recommends changing the zoning to (LR-MU-CO-NP) Neighborhood Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District for Tracts 3 and 4. The Conditional Overlay will limit vehicle trips to less than 2,000 per day across Tracts 1-5, prohibit Service Station use, and require that Commercial and or Retail uses on each tract not exceed 40% of the total floor area on that tract.

Tract 5: Staff recommends changing the zoning to (GO-MU-CO-NP) General Office – Mixed Use – Conditional Overlay - Neighborhood Plan Combining District for Tract 5. The Conditional Overlay will limit vehicle trips to less than 2,000 per day across Tracts 1-5 and prohibit all land uses except Off-site Accessory Parking.

BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):

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

This section of Manor Road is a future core transit corridor. This is an area where more intensive zoning should be located. In this specific section of Manor Road, similarly situated properties have a LR or more intensive zoning.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed zoning allows for reasonable use of the site while maintaining the character of the surrounding area. As currently developed, the site has a mixture of uses, building vintages and styles. The applicant is proposing this rezoning in order to bring about consistent redevelopment that is compatible across all tracts as well as with adjacent properties.

Site Characteristics

The subject property consists of 2.3827 acres on a relatively flat and sparsely vegetated lot. Currently, there are two single family residences that have been converted into offices and two apartment complexes.

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.

Site plans 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.

Compatibility Standards

- a. The site is subject to compatibility standards. Along the North property line, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. 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.

Additional design regulations will be enforced at the time a site plan is submitted.

This site is within the Robert Mueller Airport Capitol View Corridor (RMA segment). A Capitol View Corridor review will be required. This review requires its own application process and fees.

Transportation

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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. It is in the 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.

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.

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 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. The water and wastewater utility plan 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.



**UPPER BOGGY CREEK
NEIGHBORHOOD PLANNING
CONTACT TEAM**

Kathleen Houlihan, Chair
1716 East 34th Street
Austin, Texas 78722

T (512) 600-4811
Email: kkhoulhan@gmail.com

<http://groups.yahoo.com/group/ubc-npt/>

SENT VIA EMAIL

December 3, 2009
Joi Harden
joi.harden@ci.austin.tx.us
City of Austin, Neighborhood Planning and Zoning Department
505 Barton Springs Road, 5th Floor
Austin, TX 78704

RE: Land Answers Plan Amendment Request for properties at 2500, 2502, 2504, and 2506 Manor
Case No. NPA-2009-0012.0A

Dear Ms. Harden,

At its September 15, 2009 regular meeting, The Upper Boggy Creek (UBC) Neighborhood Planning Team voted unanimously to support the following Future Land Use Map (FLUM) and zoning changes for the following properties:

- Tract 1 (2500 Manor Road); from LO-MU-CO-NP to LR-MU-CO-NP
- Tract 2 (2502 Manor Road); from LO-MU-CO-NP to LR-MU-CO-NP, with a 2,785 sq.ft. footprint zoned CS-1-MU-CO-NP as shown on Exhibit A,
- Tracts 3 and 4 (2504 and 2506 Manor Road); from MF-4-NP to LR-MU-CO-NP
- Tract 5 (the landlocked 0.344 acre tract behind 2500 and 2502 Manor Rd); from SF-3-NP to LO-MU-CO-NP

UBC support for these changes is based on the Applicant's agreement to:

- Limit the use of Tract 5 to surface parking only, and agreement, at the time of redevelopment, to attempt to improve the site drainage from that site to Manor Road.
- Restrictive covenant disallowing sale of single serving container alcoholic beverages for off-premises consumption on Tracts 4 & 5
- Agreement to restrict uses as described in Exhibit B.
- Agreement not to oppose VMU zoning on Tracts 3, 4 & 5.

If you have any questions, or need any clarification on this information, please feel free to contact me.

Sincerely,

Kathleen Houlihan

Kathleen Houlihan
UBC-PT Chair, 2009-2011

Attachments: Exhibits A & B

7 December 2009

Ms. Joi Harden
joi.harden@ci.austin.tx.us
City of Austin, Neighborhood Planning and Zoning Department
505 Barton Springs Road, 5th Floor
Austin, TX 78704

RE: Land Answers Plan Amendment Request for properties at 2500, 2502, 2504, and 2506 Manor; Case No. NPA-2009-0012.0A

Dear Ms. Harden:

On 9 September 2009 the Cherrywood Neighborhood Association Steering Committee voted unanimously to support the following Future Land Use Map (FLUM) and zoning changes for the following properties:

- Tract 1 (2500 Manor Road); from LO-MU-CO-NP to LR-MU-CO-NP
- Tract 2 (2502 Manor Road); from LO-MU-CO-NP to LR-MU-CO-NP, with a 2,785 sq.ft. footprint zoned CS-1-MU-CO-NP as shown on Exhibit A,
- Tracts 3 and 4 (2504 and 2506 Manor Road); from MF-4-NP to LR-MU-CO-NP
- Tract 5 (the landlocked 0.344 acre tract behind 2500 and 2502 Manor Rd); from SF-3-NP to LO-MU-CO-NP

This motion was subsequently ratified by the Cherrywood Neighborhood Association's membership at the general meeting held on 18 November 2009.

The Cherrywood Neighborhood Association's support for these changes is based on the Applicant's agreement to:

1. Limit the use of Tract 5 to surface parking only, and agreement, at the time of redevelopment, to attempt to improve the site drainage from that site to Manor Road.
2. Restrictive covenant disallowing sale of single serving container alcoholic beverages for off-premises consumption on Tracts 4 & 5
3. Agreement to restrict certain uses as described in Exhibit B of the correspondence submitted by the Upper Boggy Creek Planning Contact Team.
4. Agreement not to oppose VMU zoning on Tracts 3, 4 & 5.

Thank you for your attention to this matter. Please do not hesitate to contact me directly at 789.9862 should you have any further questions.

Signed,

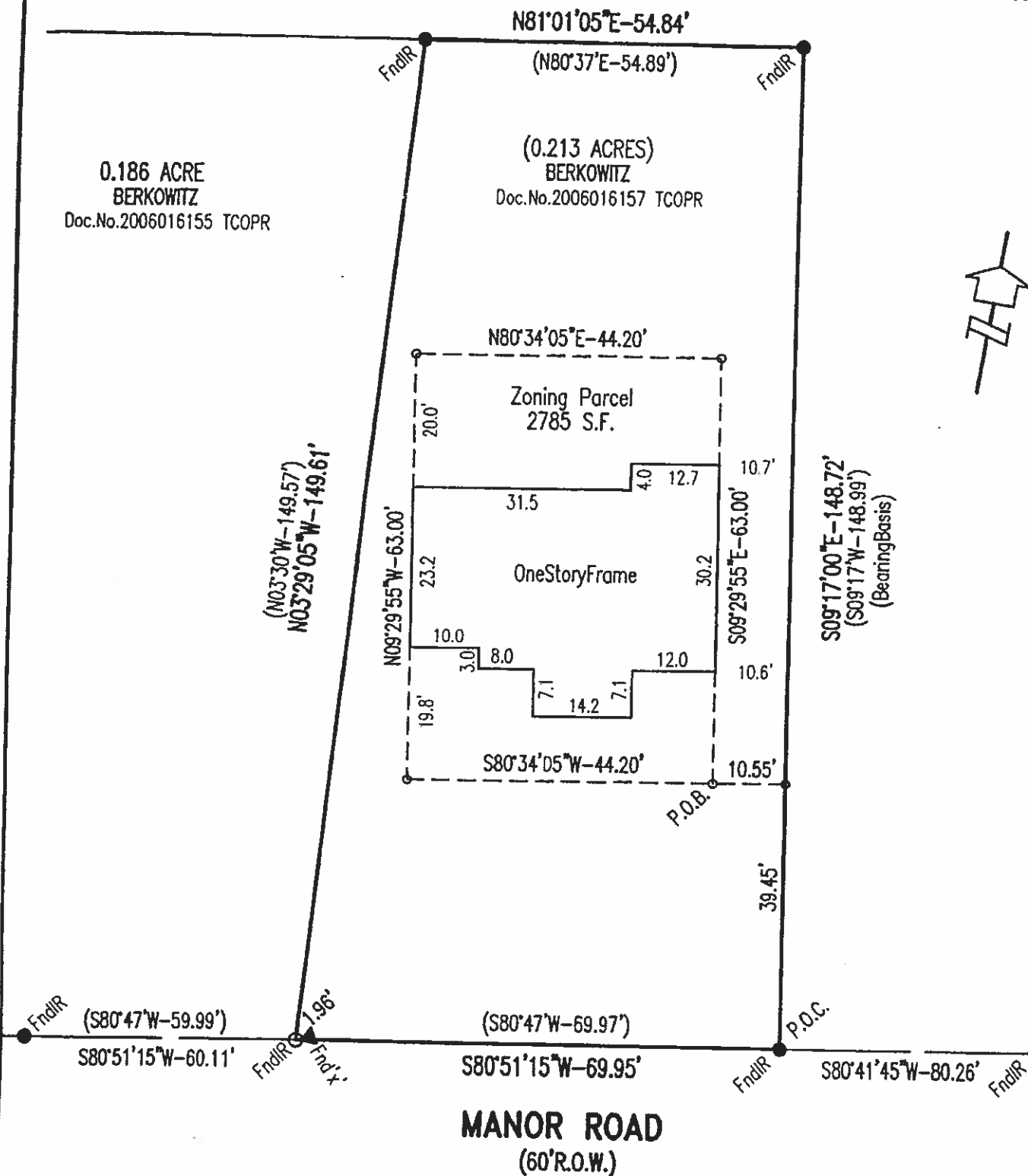
Jeremy B. Mazur

Jeremy B. Mazur
Chair, Cherrywood Neighborhood Association Steering Committee

EXHIBIT A C6-1-MU-CO-NP ZONING TRACT FOOTPRINT

0.867 AC.
MANOR ROAD PARTNERS LTD.
Doc.No.2006016151 TCOPR

0.186 ACRE
BERKOWITZ
Doc.No.2006016155 TCOPR



FND.I.R.=FOUND IRON ROD IP=IRON PIPE CM=CONCRETE MONUMENT "X"=SCRIBED MARK (****)=CALL BEARING/DISTANCE 000/000=VOLUME/PAGE R.O.W.=RIGHT-OF-WAY
A=ARC R=RADIUS C=CHORD D=DELTA N.S.E.W.=NORTH, SOUTH, EAST, WEST P.U.E.=PUBLIC UTILITY EASEMENT D.E.=DRAINAGE EASEMENT S.D.E.=SURFACE D.E. B.L.=BUILDING LINE
C.D.R.=COUNTY DEED RECORDS P.R.=PLAT RECORDS R.P.R.=REAL PROPERTY RECORDS O.P.R.=OFFICIAL PUBLIC RECORDS PP=ELECTRIC PP=POWERPOLE FNC=FENCE WY=WATERWAY

LEGAL DESCRIPTION:

SKETCH to accompany FIELD NOTES for a 2785 sq. ft. parcel
out of a certain 0.213 acre tract out of OUTLOT 33, DIVISION
"C", ORIGINAL CITY OF AUSTIN.

EXHIBIT B

Archways Rezoning Request Summary

<u>Tract#</u>	<u>FLUM Designation (from > to)</u>	<u>Proposed Zoning</u>	<u>Conditional Overlay</u>
1	Mixed-use Office > Mixed-use Retail	LR-MU-CO-NP	<u>prohibit:</u> Service Station
2	Mixed-use Office > Mixed-use Retail	LR-MU-CO-NP	<u>prohibit:</u> Service Station
2*	Mixed-use Office > Mixed-use Retail	CS-1 MU-CO-NP*(2,785 sf)	<u>prohibit:</u> Auto Repair, Auto Washing, Auto Sales, Bail Bond, Constr. Sales & Svcs., Convenience Storage, Drop-off Recycling, Elect. Prototype Assembly, Equipment Sales, Exterminating Svcs., Kennels, Laundry Service, Pawn Shop, Service Station, Vehicle Storage, Custom Mfg., Ltd. Warehouse & Distrib., Resid. Treatment
3&4	Multifamily > Mixed-use Retail	LR-MU-CO-NP	<u>prohibit:</u> Service Station <u>require:</u> Commercial and/or Office uses cannot exceed 40% of the floor area on the tract
5	Multifamily > Mixed-use Office	GO-MU-CO-NP	<u>prohibit:</u> all land uses except Off-site Accessory Parking and all SF-3 uses.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at 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: C14-2009-0082

Contact: Joi Harden, 512-974-2122

Public Hearing: Nov. 10, 2009, Planning Commission
Dec. 10, 2009, City Council

Laronia Louanne Jones

Your Name (please print)

1704 E. 32nd St 78722

Your address(es) affected by this application

Joi Harden

Signature

Date

Daytime Telephone:

Comments:

You have me on your mailing

list twice. I got 2 copies

everything. Please reduce to one.

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

City of Austin

Planning & Development Review Department

Joi Harden

P. O. Box 1088

Austin, TX 78767-8810

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

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Case Number: C14-2009-0082

Contact: Joi Harden, 512-974-2122

Public Hearing: Nov. 10, 2009, Planning Commission

Dec. 10, 2009, City Council

Keth Rogers
Your Name (please print)

1707 E. 32nd
Your address(es) affected by this application

[Signature]
Signature

11-19-09
Date

Daytime Telephone: *512-478-7637*

Comments:

There are several apartments complexes on Guernsey Road that use this area as a buffer (greenbelt) & a dog park. There are enough structures along the property line. I propose rezoning for different structures.

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

City of Austin

Planning & Development Review Department

Joi Harden

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object