

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0097

Little Woodrow's Bar & Restaurant

P. C. DATE: 10/09/12

ADDRESS: 5425 Burnet Road

AREA: 0.18 acres

APPLICANT: Rick Engel

AGENT: Alice Glasco Consulting, Inc. (Alice Glasco)

NEIGHBORHOOD PLAN AREA: Brentwood/Highland Combined **T.I.A.:** No

CAPITOL VIEW: No

HILL COUNTRY ROADWAY: No

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: CS-MU-V-CO-NP, General Commercial Services, Mixed Use, Vertical Mixed Use Building, Conditional Overlay, Neighborhood Plan

ZONING TO: CS-1-MU-V-CO-NP, Commercial Liquor Sales, Mixed Use, Vertical Mixed Use Building, Conditional Overlay, Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

The staff recommends CS-1-MU-V-CO-NP, Commercial Liquor Sales, Mixed Use, Vertical Mixed Use Building, Conditional Overlay, Neighborhood Plan. The Conditional Overlay would make the following uses a conditional use: agricultural sales and services, commercial blood plasma center, equipment sales, vehicle storage, campground, equipment repair services, and kennels.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for CS-1-MU-V-CO-NP district zoning, was approved by Commissioner James Nortey's motion, Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

DEPARTMENT COMMENTS:

The site is currently developed with a one story building and associated parking. This zoning case is located within the boundaries of the Brentwood/Highland Combined Neighborhood Plan. The property is located on the east side of Burnet Road, on the north corner of Houston Street, and contains an existing building. The applicant would like to convert the existing building into a restaurant/bar on the site called Little Woodrow's Restaurant and Bar. The requested zoning change of CS-MU-V-CO-NP to CS-1-MU-V-CO-NP is in accordance with the mixed use category as identified on the Future Land Use Map. The neighborhood plan states on pg. 39 that the neighborhood wants this area designated as commercial mixed use. Ordinance No. 040513-33A also designates this property as mixed use. The proposed use of a restaurant and bar is consistent with the plan's objectives for mixed use commercial along this portion of Burnet Road. The subject property front's on Burnet Road which is classified as a MAU-4 or a Major Arterial – Undivided with Four lanes of pavement. Houston Street exhibits classic "step-down" zoning regarding land use districts with CS or commercial zoning adjacent to Burnet Road, then LO or office zoning as you go deeper into the neighborhood and then MF or multifamily zoning prior to reaching the SF or single family residence district further in the neighborhood. There is a petition filed against this zone change request, however it is not "valid" at 2.92%

BASIS FOR RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Granting the requested zone change to CS-1-MU-V-CO-NP will not be a detriment to the neighborhood as the property has been used as a commercial use in the past and fronts on a major arterial roadway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	CS-MU-V-CO-NP	Vacant Retail
NORTH	CS-MU-V-CO-NP	Office
SOUTH	CS-MU-V-CO-NP	Restaurant
EAST	CS-MU-CO-NP	Office
WEST	CS-NP	Automotive repair

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-08-0071	From CS-NP to CS-1-CO-NP	Approved CS-1-CO-NP [Vote: 7-0]	Approved CS-1-CO-NP [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Austin Neighborhoods Council
- Brentwood Neighborhood Assoc.
- North Austin Neighborhood Alliance

SCHOOLS:

Bryker Wood Elementary School,
O Henry Middle School,
Austin High School

SITE PLAN:

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

TRANSPORTATION:

TR1: No additional right-of-way is needed at this time.

TR2: A traffic impact analysis is not required for this case because the traffic generated by the proposed land use will not exceed the threshold of 2,000 vehicle trips per day. LDC, 25-6-113.

TR3: Burnet Road is classified in the Bicycle Plan as Bike Route No. 437.

TR4: Capital Metro bus service (Routes No. 3 and No. 151) is available along Burnet Road.

TR5: There are existing sidewalks along Burnet Road and Houston Street.

TR6: Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Burnet Road	Varies	MAU-4	Major Arterial	12,334
Houston Street	Varies	30'	Collector	2,503

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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.
4. According to floodplain maps there is no floodplain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

CITY COUNCIL DATE: November 8th, 2012

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

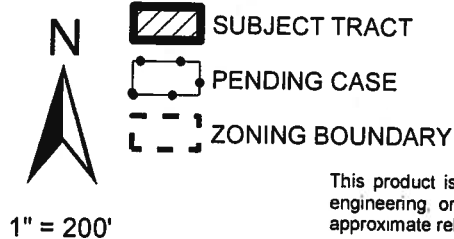
ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



SUBJECT TRACT



ZONING CASE#: C14-2012-0097

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





Google earth

feet 10
meters 3



Conceptual Rendering from Burnet Road

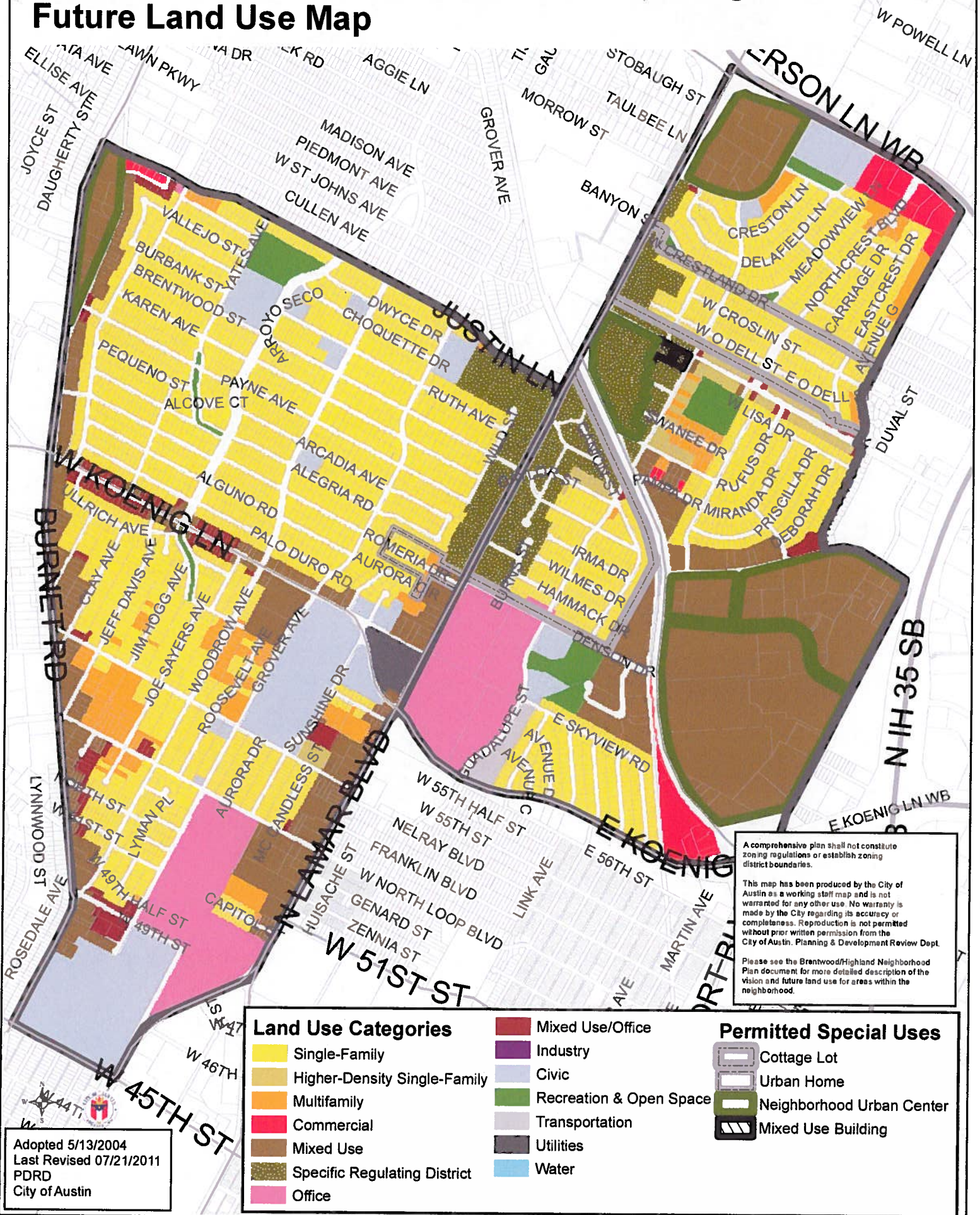


LITTLE WOODROW'S - BURNET ROAD

27 August 2012

DICK CLARK ARCHITECTURE
[512] 472 4980 DCARCH.COM

Brentwood/Highland Neighborhood Planning Area Future Land Use Map



Brentwood/Highland Combined Neighborhood Plan

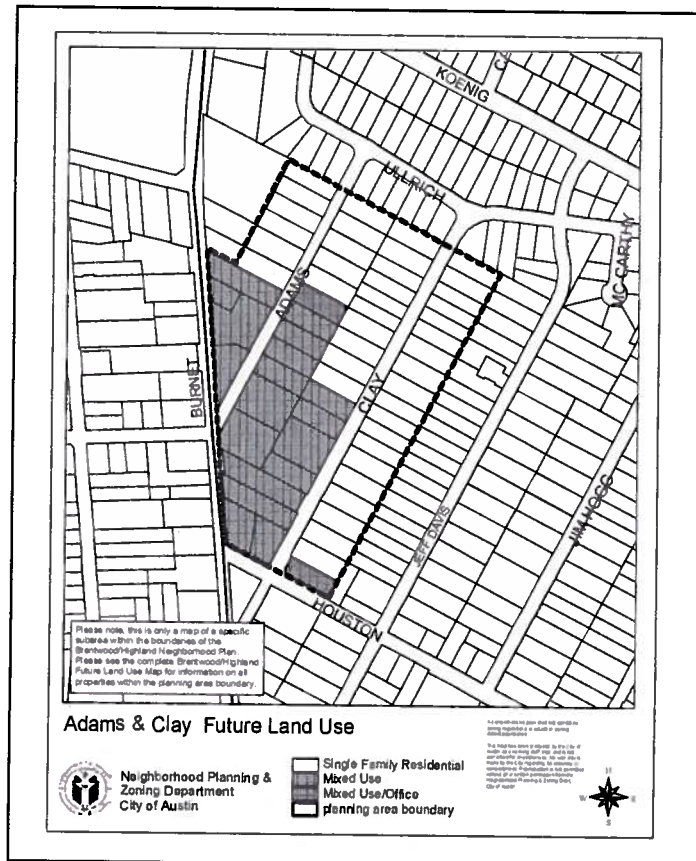
Clay and Adams

Burnet Road is laid out on an angle as it goes through Brentwood, and this has caused some land use issues in the neighborhood. Clay Street and Adams Street are primarily residential streets that run in the north/south direction. However, due to the angle of Burnet road they also intersect with Burnet Road. Where these two streets intersect with Burnet Road they create a commercial node. The problem this creates is a mix of single-family homes and commercial uses on the same street.

Despite the heavy commercial zoning that is allowed on Adams and Clay Streets many of the current uses are small businesses that are compatible with the adjacent single-family homes.

However, some of the heavier uses that are allowed also exist in the area. The plan attempts to designate future land uses that ensures compatibility between the commercial and residential uses.

The Future Land Use Map designates the commercial node primarily as commercial mixed-use. The objective of the plan is to create a gradual transition from the highest intensity uses at the intersection of Burnet and Adams to lower intensity uses on Adams as it transitions to single-family residential, and the lowest intensity uses on Clay Street which is directly across the street from single-family residential.



These warehouses on the west side of Clay Street are the dominant business on the street. They take up most of the commercial property that fronts onto Clay Street.

PETITION

Case Number: **C14-2012-0097**

Date: 10/16/2012

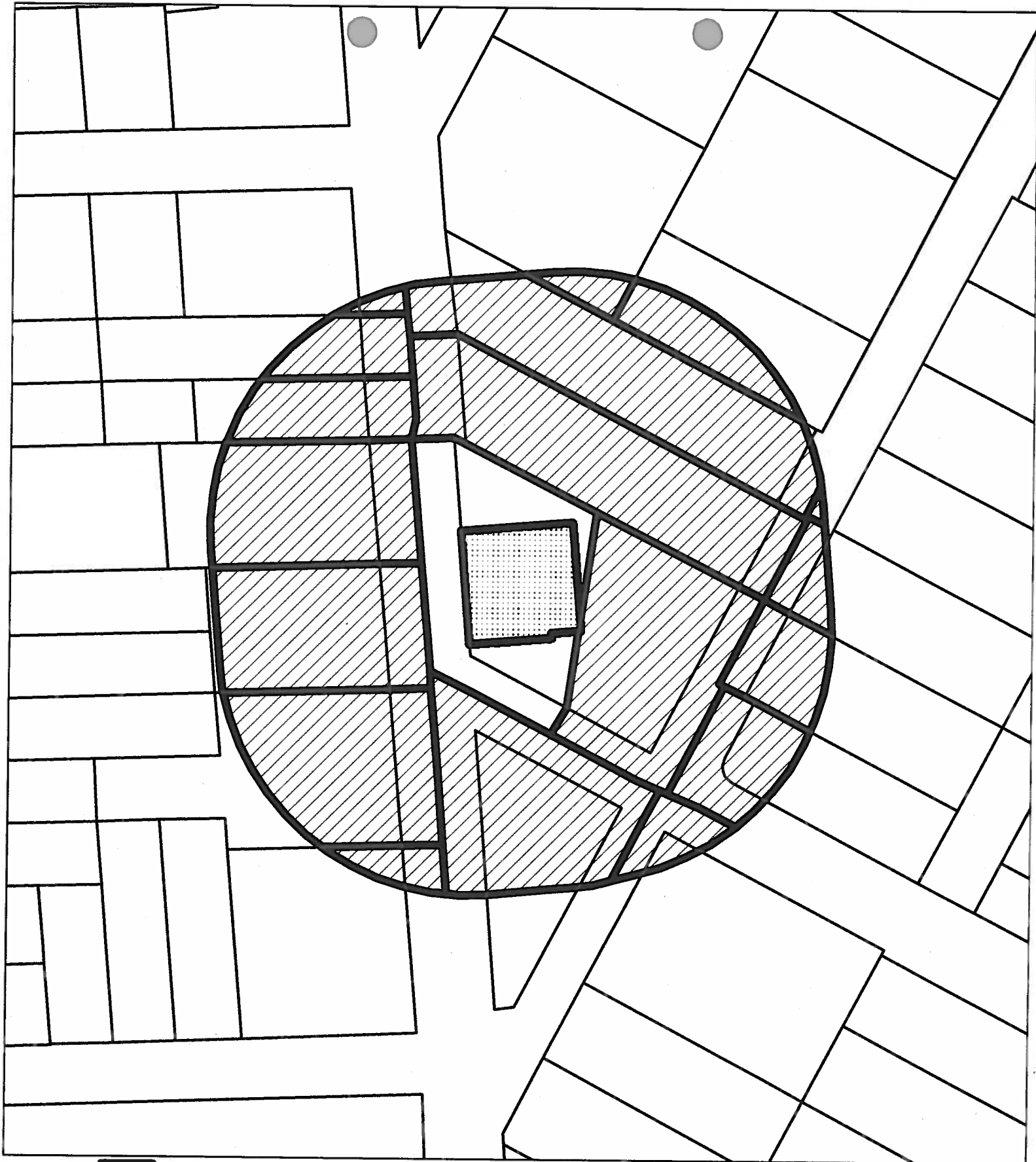
Total Square Footage of Buffer:	196610.55
Percentage of Square Footage Owned by Petitioners Within Buffer:	2.92%






Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
1	0229030336	5453 BURNET RD 78756	5453 BURNET VENTURE LLC % BRETT DENTON	no	1665.56	0.00%
2	0229030735	5442 BURNET RD 78756	ADAMS KATHRYN L	no	4,690.57	0.00%
3	0229030706	5434 BURNET RD 78756	ALFONSO PEDRO M & MARIA L VEGA-ALFONSO	no	15968.14	0.00%
4	0229030705	5440 BURNET RD 78756	ALFONSO PEDRO M & MARIA L VEGA-ALFONSO	no	6901.18	0.00%
5	0229030702	5448 BURNET RD 78756	CAMPBELL FIRST FAMILY L P % CAROL CAMPBELL GEN PARTNER	no	728.28	0.00%
6	0229030311	5508 CLAY AVE 78756	FULLER WILLIAM CLAY	yes	5533.94	2.81%
7	0229030423	5505 CLAY AVE 78756	FULLER WILLIAM CLAY & PAMELA P FULLER	no	2860.51	0.00%
8	0229030424	5507 CLAY AVE 78756	GEIL PHILIP MICHAEL	yes	216.24	0.11%
9	0229030732	5400 BURNET RD 78756	KURTZ B S & T ZIRKELBACH TRTS OF THE B S KURTZ & T ZIRKELBACH NONEXEMPT & LIFETIME TRUST	no	2387.75	0.00%
10	0229030436	1706 HOUSTON ST 78756	MCCOMB GLENWOOD MEDDAUGH JOHN E & ANDREW M COT ANDREW M COTTON D B A BURNET ROAD PROPERTY	no	6971.30	0.00%
11	0229030801	5401 BURNET RD		no	20324.67	0.00%
12	0229030731	5408 BURNET RD 78756	NASSOUR JIMMY	no	17679.45962	0.00%
13	0229030339	5500 CLAY AVE 78756	NASSOUR JIMMY	no	21502.01	0.00%
14	0229030707	5422 BURNET RD 78756	NASSOUR JIMMY	no	16,663.41	0.00%
15	0229030422	5503 CLAY AVE 78756	PRIDE OF AUSTIN HOMES LLC	no	5570.91	0.00%
16	0229030331	5435 BURNET RD 78756	PROTESTANT EPISCOPAL CHURCH CHURCH COUNCIL OF THE DIOCESE OF TEXAS	no	24,480.92	0.00%

			PROTESTANT			
			EPISCOPAL CHURCH			
			COUNCIL OF THE			
		5437 BURNET	EPISCOPAL DIOCESE			
17	0229030338	RD 78756	OF TEXAS	no	22,644.93	0.00%
18	0229030913	78756	THAT PROPERTY LP	no	3,271.65	0.00%
19						0.00%
20						0.00%
21						0.00%
22						0.00%
23						0.00%
24						0.00%
						Total %
						2.92%



-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

PETITION

CASE#: C14-2012-0097



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Petition Against the Zoning Change in C14-2012-0097 from CS to CS-1

We, the undersigned owners of property affected by the requested zoning change described in the referenced file(C14-2012-0097), do hereby protest against any change of the Land Development Code which would zone the property to any classification other than C.

1. This proposed bar is in close proximity to single family homes and the music and late hours would not be compatible with the residential use.
2. This proposed bar has inadequate parking , and while the applicant suggested negotiated parking with surrounding businesses, there is a high likelihood that Clay and Adams Ave would be used for parking. The late hours of the business would produce pedestrian and traffic noise in the middle of the night.
3. This neighborhood has significant existing CS zoning on Lamar and Burnet Road.

Name	Signature	Address	e-mail
Barbara McArthur	Barbara McArthur	5108 Clay	mcathb@barr.net
GAIL McDONALD	Gail McDonald	5612 CLAY	G.M.CIVICGROUP@YAHOO.COM
Mary Long Geil	Mary Long Geil	5507 Clay Ave	marylge@gmail.com
Kendra K. Carter	Kendra Carter	5505A. Clay Ave	birtie@gmail.com
GLENN CHAMBERS	Glenn Chambers	5505-A Clay Ave	wigms.tx@gmail.com
Johnny Walker	Johnny Walker	5505-B Clay Ave	jwalk66@hotmail.com
Maya Perez	Maya Perez	5505-B Clay Ave	mayacamara@hotmail.com
PHIL GEIL	Phil Geil	5507 CLAY	
Ian McDowell	Ian McDowell	5619 Adams	
Clay Fuller	Clay Fuller	5508 Clay Ave	wcfuller53@gmail.com

Name	Signature	Address	e-mail
Bryan Fitzgerald	[Signature]	5509 Clay Ave	Robyn.Pitz@gmail.com
Brian Jewell	[Signature]	5603 Clay	bjewell@universitycoop.com
Jørgen Harnase	[Signature]	5603 Clay	jeharnase@gmail.com
Elizabeth Catlos	[Signature]	5606 CLAY C1	ejcatlos@gmail.com
Aaron Borders	[Signature]	5606 Clay C2	atborders@gmail.com
ADAM MANELAK	[Signature]	5611 B CLAY	amanelak@gmail.com
Ramona Bentelex	[Signature]	5610 Clay	mbentelex@arr.com
Donald L Bentelex	[Signature]	5617 Adams	DonaldL.Bentelex@gmail.com
Julie Brenholt	[Signature]	5619 B Clay	janisjulie@yahoo.com
Steven Harris	[Signature]	5607A Clay	csjr.harris@gmail.com
Shannon Harris	[Signature]	5607A Clay Ave	csjr.harris@gmail.com
Bill Spresman	[Signature]	5700 Clay Ave	spresman@gmail.com
Scott McEllan	[Signature]	5605A Clay Ave	SMCELLELAN@comcast.com

Patterson, Clark

From: Patterson, Clark
Sent: Tuesday, October 09, 2012 10:04 AM
To: Patterson, Clark
Subject: FW: Case number: C8-2012-0053.0A

Importance: High

From: Dale Henry [mailto:dalehenry@brentwoodna.org]
Sent: Monday, October 08, 2012 8:51 PM
To: Limon, Sylvia; cindy.casillas@austintexas.gov
Subject: Case number: C8-2012-0053.0A

Sylvia and Cindy,

I am writing for the Brentwood Neighborhood Steering Committee to object to the up zoning at 5503 Clay Ave (Case Number: C8-8-2012-0053.0A. The Brentwood Neighborhood Steering Committee voted to object to the up zoning for the falling reasons:

1. This proposed bar is in close proximity to single family homes and late hours would not be compatible with the residential use.
2. This proposed bar has inadequate parking , and while the applicant suggested negotiated parking with surrounding businesses, there is a high likelihood that Clay and Adams Ave would be used for parking.
3. The late hours of the business would produce pedestrian and traffic noise in the middle of the night.
4. This neighborhood has significant existing CS zoning on Lamar and Burnet Road.

Thanks.

Dale Henry

President Brentwood Neighborhood Association

Patterson, Clark

From: Peyton Taylor <~~peytontaylor@anguiano.com~~>
Sent: Monday, October 08, 2012 8:52 PM
To: Patterson, Clark; Anguiano, Dora
Subject: Zoning case C14-2012-0097

Good evening. I am a resident of the Brentwood neighborhood and would like to voice my support of the zoning change proposed for the development of Little Woodrow's Bar & Restaurant at 5425 Burnet Road.

Thanks.

Peyton Taylor
1902 Ullrich Ave
Austin, TX 78756
512.413.7996

Patterson, Clark

From: David Whitworth <~~dwhitworth@homedata.com~~>
Sent: Monday, October 08, 2012 4:32 PM
To: Patterson, Clark
Subject: Public Comment C14-2012-0097 Little Woodrow's
Attachments: little woodrows public comment.pdf

Attached is my public hearing comment in favor of this rezoning.

Thanks,
David Whitworth

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.austintexas.gov

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: C14-2012-0097

Contact: Clark Patterson, 512-974-7691

Public Hearing: Oct 9, 2012, Planning Commission

Nov 8, 2012, City Council

David Whitworth

Your Name (please print)

5504 Jeff Davis

Your address(es) affected by this application

W. J. Davis 10/8/12

Signature

Daytime Telephone: 512-294-5739

Comments: A gathering spot for Ford

+ drinks in this Community

would be welcomed. The

building currently offers nothing

to the public.

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

Patterson, Clark

From: Brian Jewell <[REDACTED]>
Sent: Sunday, October 07, 2012 12:43 PM
To: Patterson, Clark
Subject: Case #C14-2012-0097

Hi Clark,

This project continues to concern the area homeowners.

Following are my concerns that I would like to see addressed in the upcoming meeting:

The phrase in the change is "incompatible with residential environments". Based on that phrase, what part of this change should be allowed? It seems to even the lay person, that a phrase like that should stop a rezoning immediately.

If we can not block this change, which should be of the utmost concern, following items need to be included in the rezoning:

Applicant says they want a local appeal. Then they should have a bike rack accommodating more than 10 bikes.

Applicant says they will not have outdoor music. Then they need to put it in writing, period. Not in writing means they can change their minds. We are asking for a conditional overlay.

Parking is an issue. It is stunning that the applicants plan includes use of a neighboring parking lot. Applicant should be required to provide their own parking. What happens when the neighbor decides to sell, etc. and the parking lot goes away? Stunning that the future is not of a concern.

Finally, I am not opposed to progress. Just irresponsible progress. When I bought my home in this neighborhood, I made my decision on many factors. One was the zoning along Burnet Rd. Changing the zoning to meet the needs of an applicant after someone else makes a decision based on current facts is irresponsible zoning. If nothing else, make the applicant meet the standards of a residential environment.

I appreciate that the above are addressed in the meeting.

Thanks

Brian Jewell
VP Marketing
University Co-op
2246 Guadalupe
Austin, TX 78705
p 512.476.7211 x2098
d 512.610.0942
f 512.322.7033
c 512.921.6264
b [REDACTED]



Patterson, Clark

From: Alice Glasco <aliceglasco@mindspring.com>
Sent: Saturday, October 06, 2012 11:45 AM
To: Anguiano, Dora
Cc: Patterson, Clark
Subject: Fw: Little Woodrow's Rezoning-5425 Burnet Road- C14-2012-0097

Dora,

Could you please forward this email to PC members- item # 11? Thanks!

From: David Whitworth
Sent: Friday, September 21, 2012 12:17 PM
To: aliceglasco@mindspring.com ; jimmy@jimmynassour.com ; clark.patterson@austintexas.gov ; rick@austinjava.com
Subject: Little Woodrow's Rezoning-5425 Burnet Road- C14-2012-0097

My name is David Whitworth. The first home I ever purchased with my wife was on Clay Avenue ten years ago. I have built a number of homes in the area since then. I have been talking about the coming Burnet Road renaissance for years and I have been a fan of the area for some time. Last week I had a shot of wheat grass at juice land, mocha and blueberry scone at Monkey's Nest, Salmon taco for lunch at Torchie's, then treated the kids to Amy's Ice Cream and playground. My wife recently had dinner with friends at the sushi restaurant across the street from this proposed rezoning. This is merely an edited recounting of the things one can do on Burnet Road these days. But it occurred to me some time between the wheat grass shot and salmon taco, that while still early, we are well on the path to that Burnet Road revitalization I have been expecting for years. There will be many more residents along Burnet Road with the coming mixed use projects and things continue to be promising and exciting in all facets of this community and its amenities.

I received the notice about rezoning at 5425 Burnet Road. I know it is early, but I just want to chime in in support of this rezoning. I know you will hear from the few residents opposed to this rezoning, but I assure you the young professionals, families, and residents who have been here and are moving into the area are thrilled to have more options and amenities. How great is it to be able to walk a couple blocks and meet friends for food and drinks at a community gathering place like Little Woodrow's?

If I had one comment (and I am not in the business nor do I understand the constraints of this property), I have sensed a real need for the kind of place that might have a gravel box, or kid friendly area to be used during the day time or early evening. I guarantee traffic from families that would embrace your establishment if you could accommodate that. There has been a vacuum in that regard. That's only a friendly suggestion and I remain extremely positive about this rezoning regardless of whether that is possible or not. I'm not sure you have the room, but it doesn't take much. Visit "Austin Terrier" some time for a very basic idea of how helpful even a limited kid's space can be. They put a chalk board in a modest sized area that is closed on three sides so mom and dad can let the kids stretch their legs while keeping an eye on them.

Thanks,
David Whitworth, P.E.
David Whitworth Development Company
512-294-5139

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Case Number: C14-2012-0097

Contact: Clark Patterson, 512-974-7691

Public Hearing: Oct 9, 2012, Planning Commission

Nov 8, 2012, City Council

Anthony DeManico

Your Name (please print)

5505 Montview St.

Your address(es) affected by this application

Anthony DeManico

Signature

9-30-2012

Date

Daytime Telephone: 512-913-1592

Comments: I like all the new development in the area.

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810