SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2013-0084 - Franklin BBQ Kitchen

REQUEST:

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 901 Juniper Street (Waller Creek Watershed) from multifamily residence (medium density)-neighborhood conservation combining district-neighborhood plan (MF-3-NCCD-NP) combining district zoning to community commercial-neighborhood conservation combining district-neighborhood plan (GR-NCCD-NP) combining district zoning.

DEPARTMENT COMMENTS:

No additional conditions imposed by Council at First reading.

OWNER / APPLICANT: Bens Long Branch BBQ, Inc., (Perry Lorenz)

AGENT: LS Johnston Architects, (Linda Johnston)

DATE OF FIRST READING: First reading approved on October 17, 2013. Vote: 7-0 (Spelman-1st, Cole- 2nd).

CITY COUNCIL HEARING DATE: October 24, 2013

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0084 **P.C. DATE:** August 27, 2013

ADDRESS: 901 Juniper Street **AREA:** 0.2399 acres

OWNER: Ben's Long Branch Bar-B-Q, Inc. (Perry Lorenz)

AGENT: LS Johnston Architects (Linda Johnston)

FROM: Multifamily residence (Medium Density) - neighborhood conservation combining district neighborhood plan (MF-3-NCCD-NP) combining district zoning

TO: Community commercial district-conditional overlay-neighborhood conservation combining district-neighborhood plan (GR-CO-NCCD-NP) combining district zoning

NEIGHBORHOOD PLAN AREA: Central East Austin

TIA: Not required **WATERSHED:** Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

SUMMARY STAFF RECOMMENDATION:

Staff recommends GR-CO-NCCD-NP zoning. The proposed conditional overlay would reduce the permitted land uses to match the permitted land uses of neighborhood commercial zoning (LR) *and* the East 11th Street Neighborhood Conservation Combining District (NCCD), with the exception that Food preparation would remain as a permitted land use. The conditional overlay would also require a neighborhood traffic analysis if development of the property exceeds 300 vehicle trips per day.

URBAN RENEWAL BOARD RECOMMENDATION:

August 19, 2013: *TO SUPPORT THE REZONING REQUEST AS COMPATIBLE WITH THE URBAN RENEWAL PLAN. (4-0-3) (S. KIRK, J. BABB- 2ND; (M. CLARK-MADISON, C. DE LA FUENTE-VALADEZ, G. SMITH – ABSENT)*

PLANNING COMMISSION RECOMMENDATION:

August 27, 2013: *TO APPROVE GR-CO-NCCD-NP DISTRICT ZONING AS RECOMMENDED BY STAFF, ON CONSENT (8-0-1). (R. HATFIELD, B. ROARK- 2ND; D. CHIMENTI- ABSENT).*

ISSUES:

The property is immediately north of Franklin's Barbeque restaurant. The Applicant has filed the rezoning request, along with the associated amendments of the East 11th Street NCCD and the Urban Renewal Plan (URP), with the goal of providing a more permanent and suitable location for smokers that are currently on the property, as well as provide offices.

The associated NCCD amendment would add Food preparation as a permitted land use, because Food preparation was not defined as a land use until after the creation of the NCCD—the NCCD is silent on the use. The URP amendment would add commercial as a permitted land use categories. The current permitted categories are mixed use, office, residential and civic land uses.

The rezoning request proposes reducing permitted land uses to a combination of LR and NCCD regulations to achieve the most restrictive list of land uses that comply with both the base zoning category and the combining district.

DEPARTMENT COMMENTS:

The subject property is a single lot located at the southeast corner of Branch Street and Juniper Street. Please refer to Exhibits A and B (Zoning Map and Aerial View). Currently, the subject property is developed with a parking lot. Across Juniper Street to the north are single family residences that have been designated historic (SF-3H-NP), and are not in the East 11th Street NCCD. Immediately to the east is an undeveloped lot that is zoned MF-3-NCCD-NP, and the lots past that are zoned SF-3-NCCD-NP. The lots south of the subject property, which front East 11th Street, are all zoned CS-NCCD-NP. These properties are developed with a restaurant and the African American Cultural Center. Across Branch Street to the west is a shopping center zoned CS-NCCD-NP and CS-1-NCCD-NP.

The subject property is located within the boundaries of the E. 11th Street NCCD, which imposes additional conditions on the base zoning category. For the proposed rezoning, GR is requested because it is the least intensive zoning category that allows Food preparation. In GR, Food preparation is a Conditional Use; if the rezoning is granted, site development will require a Conditional Use Permit. The rezoning request proposes reducing permitted land uses to a combination of LR and NCCD regulations to achieve the most restrictive list of land uses that comply with both the base zoning category and the combining district. While the NCCD is generally much more restrictive, it allows Commercial parking facilities, which is prohibited in LR zoning (as Commercial off street parking). Additionally, there are some land uses that are permitted by the NCCD that are conditional in LR zoning. By creating a list of prohibited and conditional land uses that reflects the most restrictive conditions of LR and the NCCD, the proposed rezoning would maintain the standards of the NCCD even if it were eliminated in the future. The Applicant supports the Staff recommendation. Please refer to Exhibit C (Permitted Land Uses).

The Urban Renewal Board considered the rezoning request and URP modification at their August 19, 2013, meeting and supported both items on a vote of 4-0-3. Please see page one of this report for detailed voting information. The property is located in the Central East Austin Neighborhood Plan area, and no plan amendment is required for the project. The future land use map designates the area as Mixed Use.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Juniper Street	40'	27'	Local	No	No	No
Branch Street	33'	27'	Local	No	Yes (#2)	No

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	MF-3-NCCD-NP	Parking lot
North	SF-3-H-NP	Residences
South	CS-NCCD-NP	Restaurant
East	MF-3-NCCD-NP, SF-3-NCCD-NP	Undeveloped
West	CS-NCCD-NP, CS-1-NCCD-NP	Shopping center

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition
PODER
El Concilio Coalition of Mexican American Neighborhood Associations
Swede Hill Neighborhood Association
Guadalupe Association for an Improved Neighborhood
Anderson Hill Homeowners Association
Austin Neighborhoods Council
E. 12th Street Business/Property Owner Association
Preservation Austin
United East Austin Coalition
OCEAN
Guadalupe Neighborhood Development Corporation
Robertson Hill Neighborhood Association
East End Merchants Association

CITY COUNCIL DATE/ACTION: October 17, 2013: Closed Public Hearing & Approved on 1st Reading (7-0) (Spelman- 1st, Cole- 2nd).

CITY COUNCIL DATE: October 24, 2013

ORDINANCE READINGS: 1st 10/17/2013 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin **PHONE:** 974-2122
e-mail: heather.chaffin@austintexas.gov

STAFF RECOMMENDATION:

Staff recommends GR-CO-NCCD-NP zoning for the subject property. The proposed conditional overlay would reduce the permitted land uses to match the permitted land uses of neighborhood commercial zoning (LR) *and* the East 11th Street Neighborhood Conservation

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GR is the least intensive zoning category that allows Food preparation, the proposed use of the site. Since Food preparation is a Conditional Use in GR, site development will require a Conditional Use Permit, which will ensure public notification and Planning Commission approval at time of site plan. By creating a list of prohibited and conditional land uses that reflects the most restrictive conditions of LR and the NCCD, the proposed rezoning would maintain the standards of the NCCD even if it were eliminated in the future. The property is in a transitional area between high intensity commercial to residential neighborhoods, and is also part of a corridor that is well suited and ripe for commercial redevelopment.

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The Applicant proposes to develop the property with Food preparation land use. GR is the most restrictive zoning category that permits this use.

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

The subject property is located between three distinct areas: a major interstate with intensive commercial land uses, a commercial corridor that is undergoing revitalization and redevelopment, and a residential area that features historic homes and other single family residences. This is a difficult area for transition, and the proposed rezoning allows commercial land use that is significantly less intense than permitted uses to the west or south.

SITE PLAN

SP1. Any new development is subject to design standards of the East 11th Street NCCD. Additional comments will be made when the site plan is submitted.

SP2. The site is subject to compatibility standards along the north property line.

SP 3. Additional design regulations will be enforced at the time a site plan is submitted.

TRANSPORTATION

TR1. Additional right-of-way may be required at the time of subdivision and/or site plan.

TR2. A Neighborhood Traffic Analysis is waived if traffic generated by development of the property does not exceed 300 vehicle trips per day. This will be administered via Conditional Overlay.

TR3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR4. There are not existing sidewalks on Branch Street. There are not existing sidewalks on the south side of Juniper Street along the site.

TR5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Brach Street or Juniper Street.

TR6. Capital Metro bus service (route no. 2) is available along the corner of Branch Street and East 11th Street 100 feet from the site.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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 flood plain maps, there is no flood plain 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.

WATER UTILITY

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

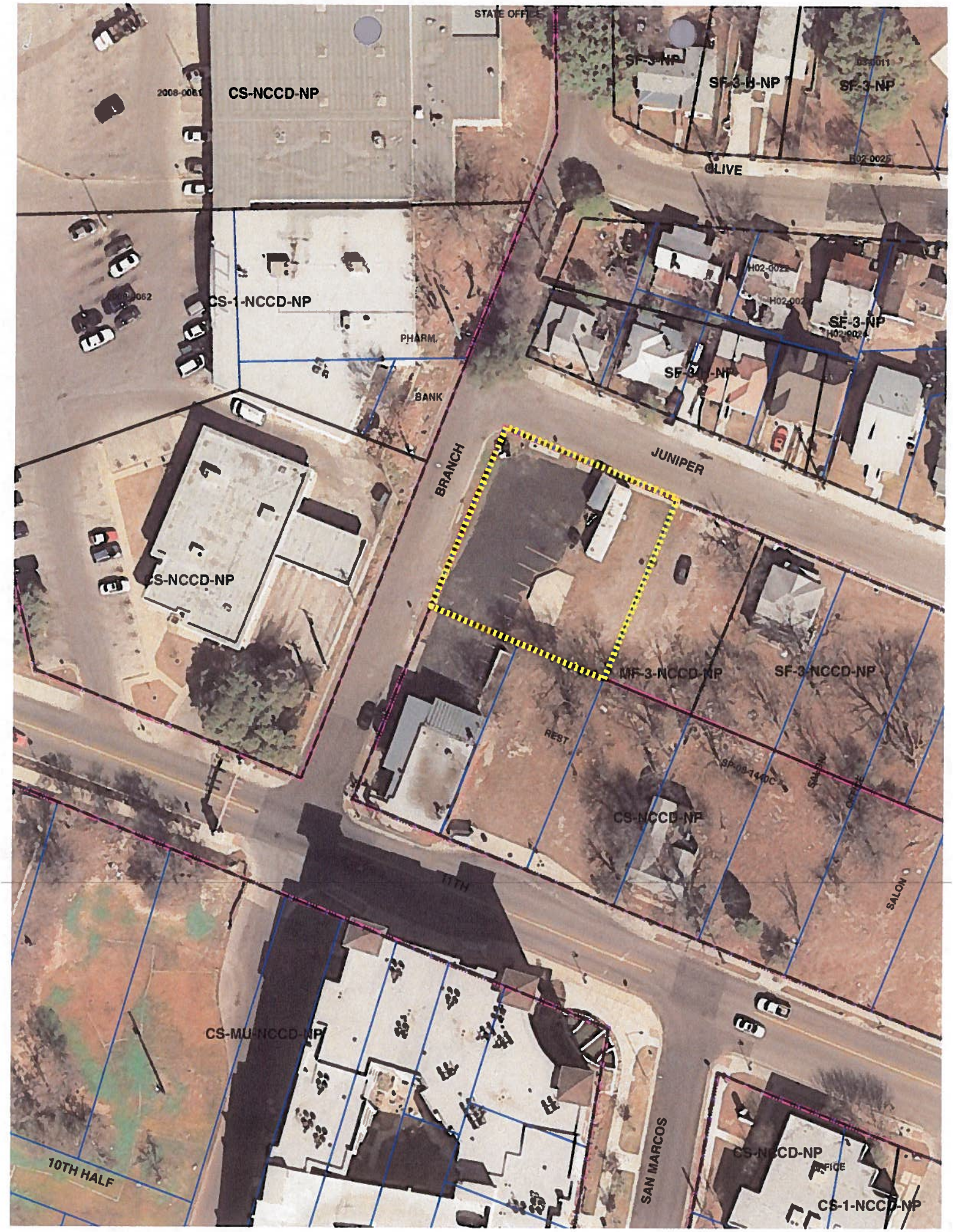
1 " = 200 '

ZONING

ZONING CASE#: C14-2013-0084

This product s 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 s made by the City of Austin regarding specific accuracy or completeness


STATE OFFICE
CS-NCCD-NP
SF-3-NP
SF-3-H-NP
SF-3-NP
OLIVE
CS-1-NCCD-NP
PHARM.
BANK
SF-3-NP
BRANCH
JUNIPER
CS-NCCD-NP
MF-3-NCCD-NP
SF-3-NCCD-NP
REST
CS-NCCD-NP
11TH
SALON
CS-MU-NCCD-NP
SAN MARCOS
CS-NCCD-NP
OFFICE
CS-1-NCCD-NP
10TH HALF

Permitted and Conditional Uses
East 11th Street NCCD Subdistrict Two

*Proposed modifications applicable to 901 Juniper Street are shown in **RED**.*

PERMITTED USES

Residential

Single Family Residential
Duplex Residential
Two Family Residential
Townhouse/Condominium Residential
Multiple Family Residential (18 to 27 units per acre)

Commercial

Administrative and Business Offices
Arts and Crafts Studio (limited)
Business Support Services
~~Commercial Parking Facilities~~
Medical Offices *
Day Care Services (General)
Day Care Services (Limited)
Day Care Services (Commercial)
Personal Improvement Services
Personal Services
Professional Offices

Civic

Club or Lodge
Community Parking Facilities
Cultural Services
Guidance Services
Religious Assembly
Safety Services

CONDITIONAL USES

Civic

Community Recreation
College & University Facilities
Communication Service Facilities
Hospital Services
Private Educational Services
Public Educational Services
Employee Parking
(All parking not included in civic and commercial)
Food Preparation

* Medical Offices less than 5,000 square feet remains a Permitted use.
Medical Offices greater than 5,000 square feet are modified to be a Conditional use.