

**PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT REVIEW SHEET**

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CASE NUMBER: SPC-2011-0147D **PLANNING COMMISSION**
HEARING DATE: September 13, 2011

PROJECT NAME: 1700 E. 2nd Street Parking for Existing Buildings

ADDRESS: 1700 E. 2nd Street

NEIGHBORHOOD PLAN: East Cesar Chavez Neighborhood Plan

APPLICANT: 2nd Street L.L.C. (Lyon Gegenheimer 449-0499)
1700 E. 2nd Street
Austin, TX 78702

AGENT: Thompson Land Engineering, LLC (Robert Thompson 328-0002)
904 N. Cuernavaca Dr.
Austin, TX 78733

CASE MANAGER: Sarah Graham Phone: 974-2826
sarah.graham@ci.austin.tx.us

PROPOSED DEVELOPMENT:

The proposed site plan requests approval of a land use change within a portion of an existing building from Administrative and Business Office to Restaurant (general), which is a conditional use for the site according to the East Cesar Chavez Neighborhood Plan, whereas the site plan includes the construction of a parking lot and detention pond with associated improvements.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit.

PROJECT INFORMATION:

SITE	22,172 square feet	.51 acres
SITE'S ZONING	CS-MU-CO-NP	
WATERSHED	Town Lake (Urban)	
WATERSHED ORDINANCE	Comprehensive Watershed Ordinance	
TRAFFIC IMPACT ANALYSIS	Not required	
CAPITOL VIEW CORRIDOR	None	
PROPOSED ACCESS	E. 2 nd Street and Chalmers Avenue	
	Existing	Proposed
FLOOR-AREA RATIO	.23:1	.23:1
BUILDING COVERAGE	5,113 sq ft (23.1%)	5,113 sq ft (23.1%)
IMPERVIOUS COVERAGE	10,328 sq ft (46.6%)	16,522 sq ft (74.5%)
PARKING	31 spaces <i>required</i>	33 spaces

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting approval of a Conditional Use Permit for a Restaurant (general). The East Cesar Chavez Neighborhood Plan lists all restaurant uses (including

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Restaurant (drive-in, fast food), Restaurant (limited) and Restaurant (general)) as Conditional Uses for this and other tracts, according to Ordinance #001214-20.

The .51 acre site includes two existing 1-story structures which will remain, and a currently unpermitted parking area. The site has been used as a 1,029 sq ft Pet Services facility in the smaller building, and a 4,084 sq ft Administrative and Business Office facility in the larger building. The existing parking area does not appear to have been permitted, and therefore requires a site plan application for its construction. The site is nearby a single family residence, however the single family lot is 40 feet away from the nearest corner of this site, and the proposed site plan complies with all Compatibility Standards regulations.

The applicant proposes 1,940 sq ft of the larger 4,084 sq ft structure to be used as Restaurant (general), and will add 788 sq ft of outdoor seating for the same land use. The remaining 2,144 sq ft of the building will remain as Administrative and Business Offices. The smaller 1,029 sq ft structure, used as Pet Services, has recently been vacated and a new tenant has not been found nor does the structure appear to be for lease at this time. Another commercial or retail use could be located in the 1,029 sq ft structure and not change the required amount of parking on site. As a part of the site plan application, the applicant also proposes to construct 33 parking spaces, a detention pond, and associated improvements.

The back-up material includes a letter from the East Cesar Chavez Neighborhood Association, signed by Jeff Thompson, Chair of the association's Land Use Committee. The letter refers to a 'variance' or 'exception' from Subchapter E: Design Standards and Mixed Use for the project, whereas site plan applications must comply with these design regulations when applying for a site plan application under Section 25-2 of the Land Development Code. Though the letter has little to do with the proposed land use change to a restaurant, which triggers the Conditional Use site plan, it does appear to be supportive of the project as was shown by the applicant to the neighborhood association. The Land Development Code offers no administrative variances or exceptions to Subchapter E: Design Standards; had the applicant wished to receive such a request, the applicant must request it from the Board of Adjustment. In this site plan's case, the applicant received Alternative Equivalent Compliance for their sidewalk along Chalmers Avenue, as the existing trees and existing 7.9 foot wide sidewalk was found to be alternatively equivalent to the design requirements. Along East 2nd Street, the applicant is updating their sidewalk to the best of their ability to meet the requirements of Subchapter E by providing a 5-foot sidewalk along the existing building's façade and a minimum 7-foot planting zone along the face of curb. The sidewalk then adjoins the existing sidewalk as it approaches the corner to wrap around the existing awning-covered entryway into the proposed restaurant.

Transportation: A traffic impact analysis was not required for this site plan. The site will require a sidewalk easement for a portion of their proposed sidewalk within private property. The site plan has met all other Transportation requirements.

Environmental: The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Town Lake watershed, which is classified as an urban watershed. There are no environmental features or critical water quality zones affected by this project. The site plan will meet all Environmental requirements prior to permitting

RELATED CASES:

C14-00-2102 – East Cesar Chavez Neighborhood Plan's rezoning ordinance, which rezoned this lot from CS to CS-MU-CO-NP. Approved by Planning Commission 5-2, and by Council 6-1.

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EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-CO-NP	Proposed Restaurant (general), Business and Administrative Office
North	GR-MU-CO-NP	Vacant office/warehouse structure
South	CS-MU-CO-NP	E. 2 nd Street, then vacant tract (same lot as service station fronting E. Cesar Chavez) and office/warehouse use
East	CS-MU-CO-NP	Vacant commercial structure
West	CS and MF-4-NP	Chalmers Ave, then office use (ADAPT of Texas and Austin Tenants Council/Austin Academy)

ABUTTING STREETS:

Street	Right-of-Way Width	Pavement Width	Classification
E. 2 nd Street	80 ft	42 ft	Collector
Chalmers Avenue	54 ft	37 ft	Collector

NEIGHBORHOOD ORGANIZATIONS:

- 6 – Barrio Unido Neighborhood Association
- 24 – East Town Lake Citizens Neighborhood Organization
- 30 – Guadalupe Neighborhood Development Corp.
- 477 – El Concilio, Coalition of Mexican American Neighborhood Association
- 511 – Austin Neighborhoods Council
- 742 – Austin Independent School District
- 786 – Home Builders Association of Greater Austin
- 972 – PODER
- 975 – East Cesar Chavez Neighborhood Planning Team
- 1017 – East River City Citizens
- 1037 – Homeless Neighborhood Association
- 1075 – League of Bicycling Voters
- 1113 – Austin Parks Foundation
- 1189 – Tejano Town
- 1199 – United East Austin Coalition
- 1200 – Super Duper Neighborhood Objectors and Appealers Organization
- 1210 – Plaza Saltillo TOD Staff Liaison
- 1220 – Greater East Austin Neighborhood Association
- 1223 – East Cesar Chavez Neighborhood Association
- 1224 – Austin Monorail Project
- 1225 – Cristo Rey Neighborhood Association
- 1228 – Sierra Club, Austin Regional Group
- 1236 – The Real Estate Council of Austin, Inc.
- 1258 – Del Valle Community Coalition
- 1267 – East Cesar Chavez Neighborhood Plan – COA Liaison
- 1309 – Eastville-Central
- 1335 – Holly Neighborhood Coalition

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CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

The following evaluation is included to provide staff's position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code (**EVALUATION OF CONDITIONAL USE SITE PLAN**) states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

B. A conditional use site plan must:

Comply with the requirements of this title;

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

Comply with the objectives and purposes of the zoning district;

Staff response: This application complies with the objectives and purposes of the zoning district. CS (Commercial Services) allows for commercial or industrial activities which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, such as equipment sales, custom manufacturing, vehicle storage or construction services. The neighborhood plan prohibits or restricts many of the allowed CS uses on the site, which thereby allows the neighborhood to weigh in through conditional use applications on a case-by-case basis, while still providing the density allowances in a CS zoning district.

Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;

Staff Response: This site meets the required height, bulk, scale, setback, open space, landscaping, drainage, access and traffic circulation regulations, and is proposing a use that is compatible with the uses on adjacent sites.

Provide adequate and convenient off-street parking and loading facilities; and

Staff Response: The proposed parking meets the parking requirements for the proposed uses on site and is adequate.

Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.

Staff Response: The proposed site plan includes on-site detention, and should not increase a risk of erosion, fire, or glare with through the construction of a paved parking area. The noise levels allowed on site are restricted due to Compatibility Standards, which state that the noise level of mechanical equipment will not exceed 70 D.B.A. at the property line adjacent to residential uses (see Compatibility note #2 on the site plan sheet included in the back up material). The site plan will comply with all requirements of the Land Development Code including Compatibility Standards.

C. In addition, a conditional use site plan may not:

More adversely affect an adjoining site than would a permitted use;

The proposed site plan complies with all development regulations of the CS-MU-CO-NP zoning district.

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Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or

Staff Response: This proposed site plan will improve pedestrian circulation, and should assist in projected traffic through the construction of a permitted on-site parking area.

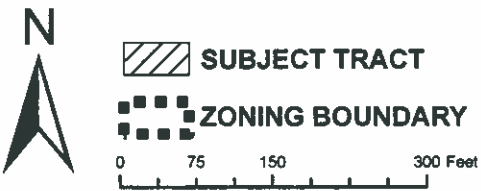
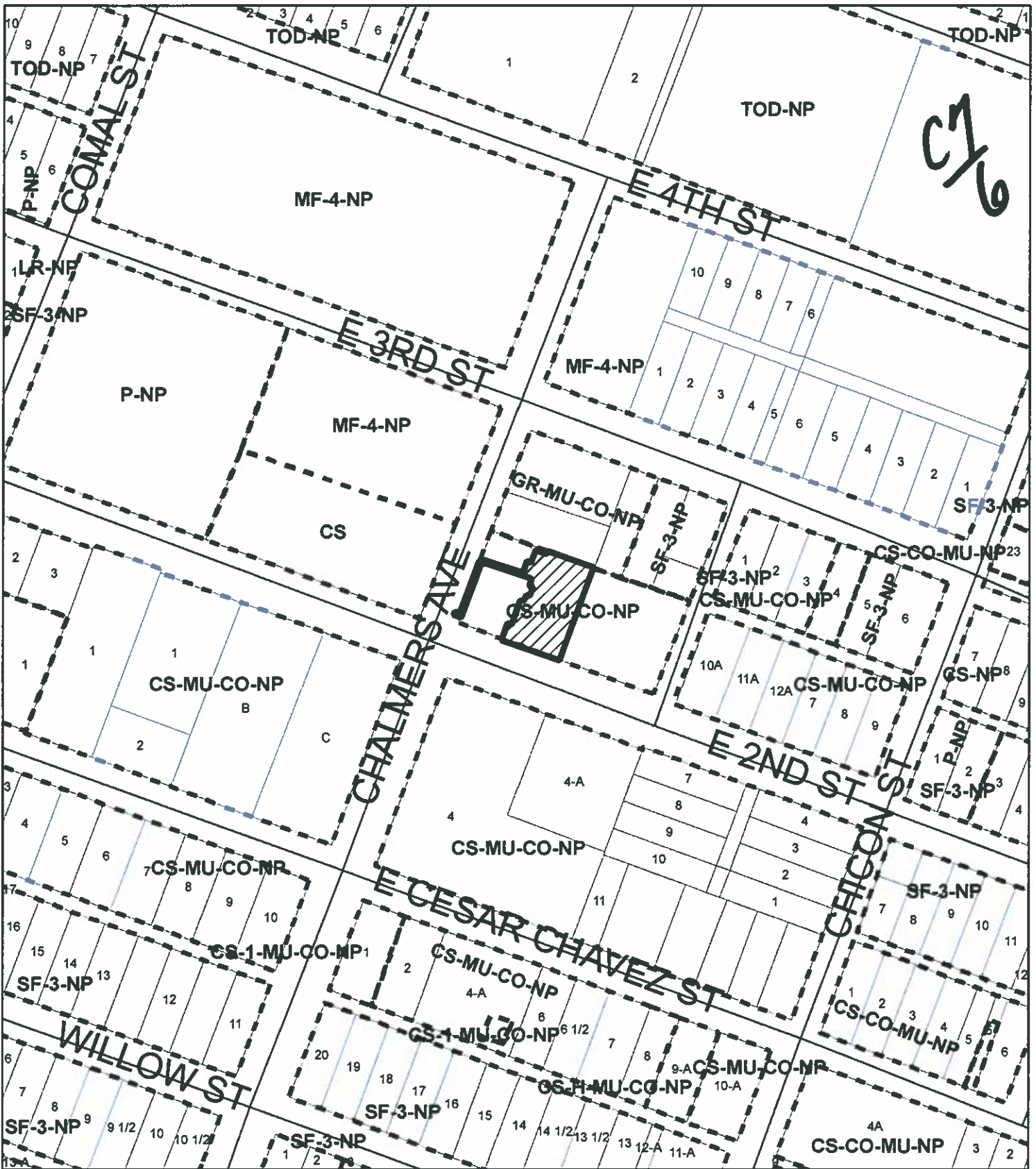
Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign. Staff Response: All signs and lighting will comply with the Land Development Code.

D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

In addition, Sec. 25-5-146 (CONDITIONS OF APPROVAL) states:

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.

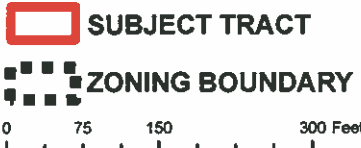
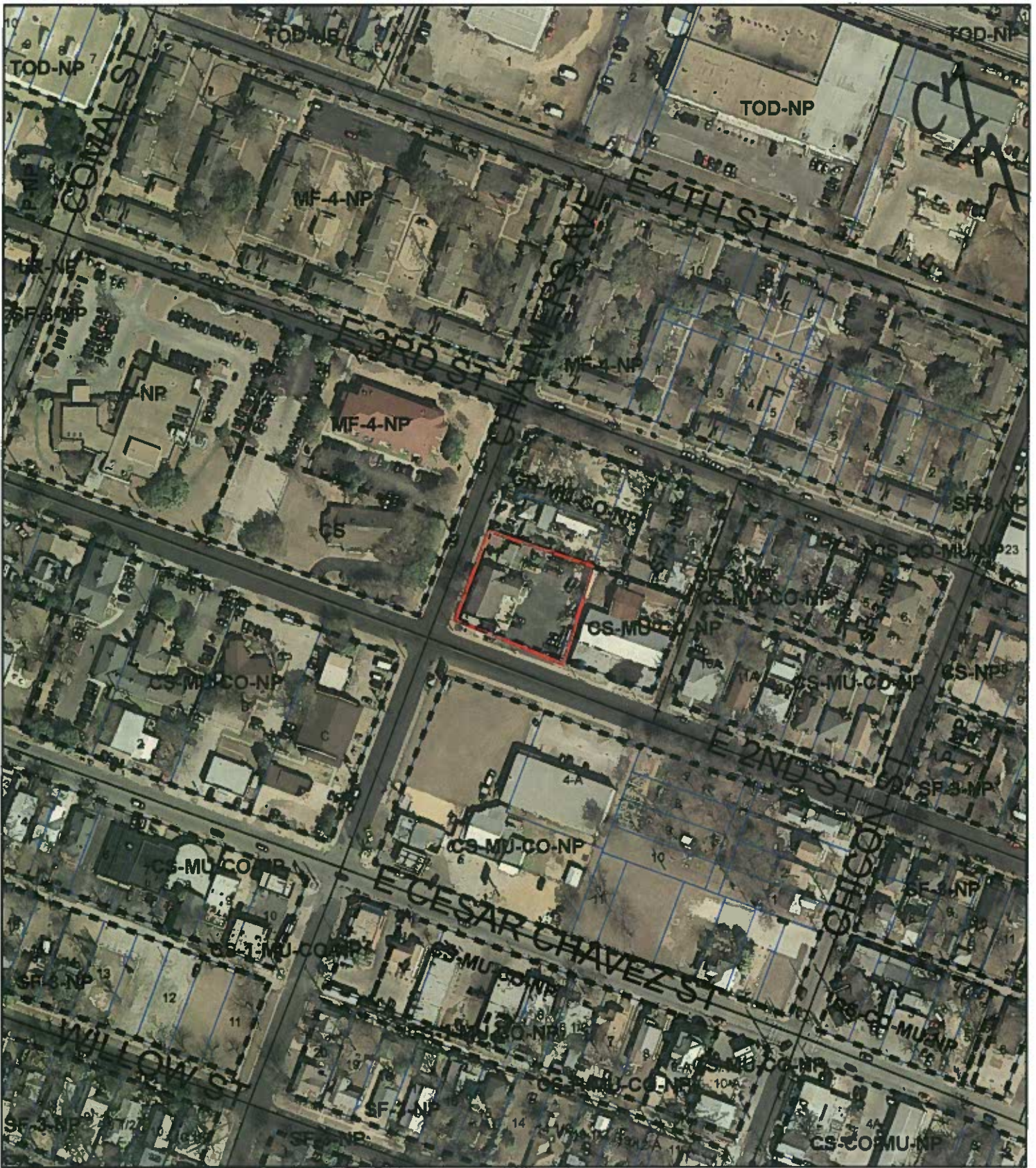


SITE PLAN

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 MANAGER: SARAH GRAHAM



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February 16, 2011

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East Cesar Chavez Neighborhood Association

To Whom It May Concern:

We have recently had the opportunity to consult with the owners, Lyon Gegenheimer and Julie Alexander Gilbert of 2nd Street, LLC, of the commercial property located at 1700 East 2nd Street, Austin, Texas 78702, on the northeast corner of East 2nd Street and Chalmers Ave. ("Property").

We are in support of a variance and/or exception being granted to the Property for the requirement of newly constructed sidewalks as called for under the City of Austin Commercial Design Standards ("CDS").

We believe that the building as it exists, currently complies with the spirit of the CDS, as well as the majority of the CDS rules and should be deemed to fulfill any requirements for alternative compliance. We additionally believe that complete compliance with the new sidewalks requirements of the CDS would negatively impact the neighborhood, as well as historic elements of the Property. The building on the Property was constructed in approximately 1935, prior to the construction of 2nd Street, and we believe that this should be taken into consideration when weighing the preservation of historic and existing pedestrian friendly elements of the Property against strict compliance with the CDS.

We support a variance and/or exception to the sidewalk requirements of the CDS on Chalmers Ave. for the following reasons:

1. The existing sidewalks are in good condition and currently measure 8 feet in width. Therefore, if new sidewalks are constructed under the CDS, the neighborhood would suffer a net loss of three feet in sidewalk width along Chalmers Ave.;
2. If new sidewalks are constructed according to the CDS, the new, smaller sidewalk would need to undulate around three trees and a building entrance and an awning of historical significance. This layout would be awkward for pedestrians, and would not be an improvement on the wide, straight, shaded sidewalk that currently exists; and
3. Alternatively, if the Property owners are required to remove the three trees located on Chalmers Ave. to accommodate a new sidewalk, we would lose all shade on the sidewalk, and we are not in support of this. The Property owners have worked to protect old growth trees on the Property as well as plant 5 new trees to shade the sidewalks, in the spirit of City of Austin and neighborhood programs such as Shade the Sidewalks and the Leaf for a Leaf program.

We support a variance and/or exception to the sidewalks requirements of the CDS on East 2nd Street for the following reasons:

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1. The existing sidewalks are in good condition and currently measure approximately 5 feet in width;
2. If new sidewalks are constructed according to the CDS, the new sidewalk would need to undulate around three trees and a building entrance of historical significance. This layout would be awkward for pedestrians, and would not be an improvement (for the pedestrians of the neighborhood) over the straight, tree-lined sidewalk as it exists;
3. Alternatively, if the Property owners are required to remove the three trees located on 2nd Street, we would lose all shade on the sidewalk, and we are not in support of this. The Property owners have consulted a landscape architect regarding moving the trees located on both 2nd Street and Chalmers Ave., and she advised the owners that the trees would not survive a transplant and move. Additionally, sidewalks constructed in compliance with the CDS (to the extent possible) would require the removal of all existing landscaping and green around the building, resulting in an unattractive, 'brick box' with no green or foliage, resulting in loss of natural beauty, historical interest and character.

Again, we reiterate our support for a variance and/or exception to the CDS's requirements that new sidewalks be constructed along the Chalmers Ave. and East 2nd Street borders of the Property.

Sincerely,



Jeff Thompson
Chair - Land Use Committee
East Cesar Chavez Neighborhood planning team