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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2011-0103 IBC Mueller View

**P. C. DATE:** 10-25-2011

**ADDRESS:** 1206 E. 51<sup>st</sup> Street

**AREA:** 1.457 acres

**APPLICANT:** Tommie Nell Bernal, Gary & Doyal Valdez, Larry Bartling, Mueller View, L.P., Austin Gay & Lesbian International Film Festival & Thomas McDonald

**AGENT:** Graves, Dougherty, Hearon & Moody (Peter Cesaro)

**NEIGHBORHOOD PLAN AREA:** Windsor Park

**CAPITOL VIEW:** No

**T.I.A.:** Waived – See the Transportation Reviewer’s comments.

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Tannehill Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** GR-MU-V-CO-NP, Community Commercial, Mixed Use, Vertical Mixed Use, Conditional Overlay, Neighborhood Plan.

**ZONING TO:** GR-MU-V-CO-NP, Community Commercial, Mixed Use, Vertical Mixed Use, Conditional Overlay, Neighborhood Plan to change a condition of zoning.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of the request to change the Conditional Overlay to allow “drive in services”.

### **DEPARTMENT COMMENTS:**

The applicant is proposing to construct as bank with approximately four drive through lanes. The zoning case is within the boundaries of the University Hills/Windsor Park (UHWP) Neighborhood Plan. The existing and proposed zoning of GR-MU-V-CO-NP are consistent with the mixed use land use category on the Future Land Use Map. However, the application to change a conditional overlay that restricts drive-in service is not consistent with the text of the University Hills/Windsor Park Neighborhood Plan. The subject properties are located on 51<sup>st</sup> Street between the intersections of Cameron Road and Lancaster Court. As stated on page 45, an objective for this area is to, “Transform 51<sup>st</sup> Street into a pedestrian friendly street with businesses that support both the neighborhoods north of 51<sup>st</sup> and the proposed businesses and land uses within the Mueller redevelopment.” A recommendation for this objective further states, “Rezone properties to commercial mixed use to allow for office, retail and restaurant opportunities, and restrict automobile oriented businesses.” In response to this objective and recommendation, a conditional overlay prohibiting drive in service as an accessory use to a commercial use was adopted for these tracts by Council in Ordinance 20070809-057. The proposed change to the conditional overlay that restricts drive-in service is not consistent with the plan’s goal to transform 51<sup>st</sup> Street into a pedestrian friendly street and restrict automobile oriented businesses.

### **PLANNING COMMISSION RECOMMENDATION:**

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**BASIS FOR RECOMMENDATION:**

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

The request is in direct conflict with the adopted Windsor Park Neighborhood Plan.

**EXISTING ZONING AND LAND USES:**

|       | ZONING        | LAND USES                         |
|-------|---------------|-----------------------------------|
| SITE  | GR-MU-V-CO-NP | Duplex, single family residential |
| NORTH | MF-2          | Multifamily                       |
| SOUTH | PUD           | Mueller Planned Unit Development  |
| EAST  | GR-MU-V-CO-NP | Single family residential         |
| WEST  | GR-MU-V-CO-NP | Single family residential         |

**CASE HISTORIES:**

| CASE NUMBER   | REQUEST          | PLANNING COMMISSION         | CITY COUNCIL                  |
|---------------|------------------|-----------------------------|-------------------------------|
| C84-04-0055   | From AV to PUD   | Approved PUD<br>[Vote: 9-0] | Approved PUD<br>[Vote: 7-0]   |
| C14-2074-0071 | From LR to CS-CO | Deny CS-CO<br>[Vote: 6-1]   | Approved CS-CO<br>[Vote: 5-0] |

**NEIGHBORHOOD ORGANIZATION:**

- Del Valle Community Assoc.
- Anberly Airport Assoc.
- Windsor Park Neighborhood Assoc.
- Windsor Park-Pecan Springs Heritage Neighborhood Assoc.
- Responsible Growth for Windsor Park

**SCHOOLS:**

Blanton Elementary School, Pearce Middle School, Reagan High School

**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.

The site is subject to compatibility standards. Along the north and east property line, the following standards apply:

- No structure may be built within 25 feet of the property line zoned or use as single family.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line zoned or use as single family.

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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.

**ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch 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.

**TRANSPORTATION:**

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

**TR2.** 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]

**TR3.** Existing Street Characteristics:

| Name        | ROW | Pavement | Class    | Sidewalk? | Bus Route? | Bike Route? |
|-------------|-----|----------|----------|-----------|------------|-------------|
| Lancaster   | 50  | 25       | Local    | No        | No         | No          |
| 51st Street | 75  | MAU 4    | Arterial | Yes       | Yes        | Yes         |

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**CITY COUNCIL DATE:** December 8th, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691






*Handwritten:* C14-2011-0103

**ZONING**

ZONING CASE#: C14-2011-0103



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'



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.



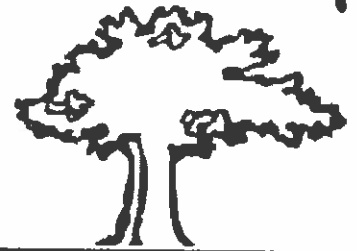


SUBJECT TRACT



# Windsor Park Neighborhood Association

Austin, Texas 78723



October 18, 2011

Clark Patterson  
Planning and Development Review Department  
505 Barton Springs Road  
Austin, Texas

Case Number: C14-2011-0103

Dear Mr. Patterson:

On October 8, 2011, the Windsor Park Neighborhood Association at its regular monthly meeting voted 28-3 not to support the request for a Conditional Overlay by the International Bank of Commerce (IBC). IBC proposes building a bank with two drive through lanes on the north side of East 51<sup>st</sup> Street (lots 1206, 1208, 1210, 1212, 1216, and 1218) at the corner of Lancaster Drive in the Windsor Park Neighborhood.

Peter Cesaro, representative of IBC, had met with the Windsor Park Neighborhood Contact Team several times and on September 10, 2011 with the Windsor Park Neighborhood Association. Mr. Cesaro was responsive to neighborhood concerns and had suggested modifications to the plan that would benefit the neighborhood. However, ultimately, neighborhood opposition was based on two obstacles.

Firstly, the plot of land had been designated for vertical mixed use in the UH/WP Neighborhood Plan with the deliberate exclusion of drive through lanes. The Neighborhood Plan's intent was to transform E. 51<sup>st</sup> St. into a pedestrian-friendly street with businesses that support both Windsor Park and the Mueller neighborhoods. Drive through lanes do not achieve this objective. Secondly, the loss of six contiguous lots to one small, suburban style bank means that increased density will be impossible.

I encourage you to recommend a denial of the conditional overlay to the Planning Commission and City Council.

Sincerely,

Jeanette Swenson  
President, Windsor Park Neighborhood Association  
6210 Brookside Drive  
Austin, Texas 78723  
512-524-1973  
jeanetteswenson@yahoo.com

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**Patterson, Clark**

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**From:** Gary Garcia [gtgarcia8@yahoo.com]  
**Sent:** Tuesday, September 27, 2011 12:38 PM  
**To:** Patterson, Clark  
**Subject:** Windsor Park Neighborhood Plan Contact Team

Mr. Patterson,

This is to inform you that the Windsor Park Neighborhood Plan Contact Team voted on September 12th against removing the conditional use restriction for drive-through uses in support of of the WP Neighborhood Plan. This is in reference to Case Number C14-2011-0103. Please let me know if you have any questions.

Sincerely,

Gary Garcia  
Chair  
WPNPCT

9/27/2011



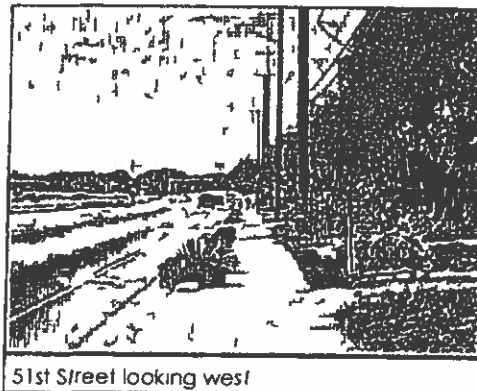
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**LAND USE AND DEVELOPMENT**

*Park neighborhood*

Recommendations

- Adopt the Neighborhood Urban Center infill option on the Capital Plaza site (5300 North IH 35)
- Maintain the Vertical Mixed Use Overlay on the Capital Plaza site (5300 North IH 35)



51st Street looking west

*Objective Allow for additional residential development on the parcels between IH 35 & Cameron Road*

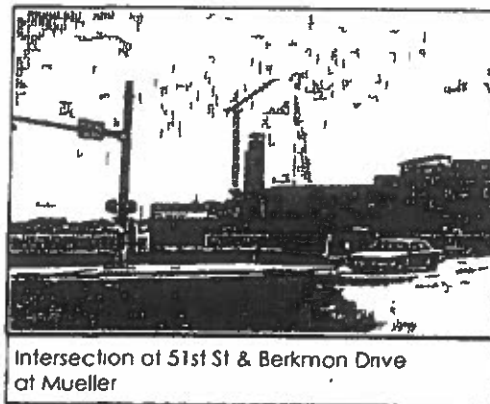
Recommendation

- Adopt the Mixed Use Combining District on these parcels to permit residential development

*Objective Consider the view of the University of Texas Tower in the design of in any proposed new developments along Cameron Road and preserve the view to the maximum extent feasible*

Recommendation

- The design and height of structures should not block the view of the UT Towers when looking south on Cameron Road



Intersection of 51st St & Berkman Drive at Mueller

**51<sup>ST</sup> STREET & VICINITY**

Land Use Workshop held on June 24 2006

With the redevelopment at the former Robert Mueller Municipal Airport 51<sup>st</sup> Street will become a more highly traveled roadway with greater importance in the City of Austin's transportation system. Additionally, it will serve as the gateway to two dense neighborhoods: Windsor Park and Mueller. A wide variety of land uses currently exists along 51<sup>st</sup> Street, including older single-family dwellings, apartment complexes, small offices, and two large churches (See aerial photograph on Page 43). UHWP plan participants envision 51<sup>st</sup> Street as a pedestrian-friendly mixed-use roadway. In addition to the community's desire for increased commercial development along 51<sup>st</sup> Street, they also want the neighborhoods north of 51<sup>st</sup> Street to remain buffered from the anticipated additional traffic and more intense land uses along 51<sup>st</sup> Street and within the

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**LAND USE AND DEVELOPMENT**

Mueller redevelopment

*Objective Transform 51<sup>st</sup> Street into a pedestrian-friendly street with businesses that support both the neighborhoods north of 51<sup>st</sup> and the proposed businesses and land uses within the Mueller redevelopment*

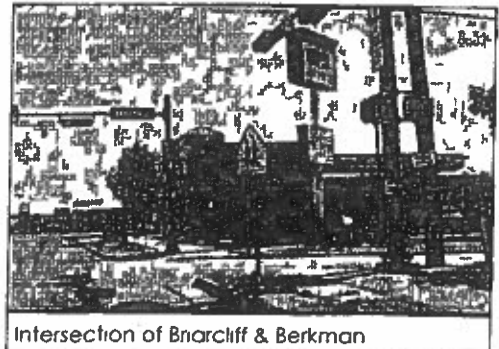
Recommendations

- Rezone properties to commercial mixed use to allow for office retail and restaurant opportunities and restrict automobile oriented businesses
- Maintain the Vertical Mixed Use overlay on 51st Street to allow for additional residential development with an affordability component
- Support the designation of 51<sup>st</sup> Street as a Core Transit Corridor as defined in the Design Standards and Mixed Use Subchapter so pedestrian friendly design elements will be required with redevelopment of this street (See the Design subchapter)

*Objective Buffer the Windsor Park neighborhood from the land uses on the south side of 51<sup>st</sup> Street (e.g. Dell Children's Center large retail stores etc.)*

Recommendations

- Maintain multi family zoning of properties currently in multi family use along 52<sup>nd</sup> Street
  - These multi family units currently provide affordable housing in close proximity to several job centers (businesses in Capital Plaza the Mueller redevelopment)



- As a transition from the proposed commercial uses on 51<sup>st</sup> street to residential uses on 52<sup>nd</sup> street allow for office uses in the current residences on Lancaster Court by rezoning these lots to an office zone district intended for small scale office uses often in former residential structures
- Transition from commercial to office uses on 51<sup>st</sup> Street as it approaches the entrance to the Windsor Park neighborhood at Berkman Drive

**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](http://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: C14-2011-0103  
 Contact: Clark Patterson, 974-7691  
 Public Hearing: Sep 27, 2011, Planning Commission  
 Oct 20, 2011, City Council

I am in favor  
 I object

Walter Olewick  
 Your Name (please print)

1205 E 52 St  
 Your address(es) affected by this application

Walter Olewick 17 Sept 2011  
 Signature Date

Daytime Telephone: 371-3786

Comments: Our Neighborhood Plan which we worked for years to achieve expressly prohibits drive through service for very good reasons. It would be a great harm to Windsor Park neighborhood future vision if city council were to overrule our Neighborhood Plan at that time.

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

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Case Number: C14-2011-0103

Contact: Clark Patterson, 974-7691

Public Hearing: Sep 27, 2011, Planning Commission

Oct 20, 2011, City Council

Steven Guy Velazquez

Your Name (please print)

1127 E. 52nd ST. #19

Your address(es) affected by this application

Steven Guy Velazquez

Signature

9/17/2011

Date

Daytime Telephone: 847-660-8359

Comments: I don't own a car. The location in question has enough traffic to contend with Banks with drive through have a tendency to put the ATM at the drive through Not always for pedestrians. IT is popular, however it is also hazardous. People count money, while in gear,

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

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## PUBLIC HEARING INFORMATION

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Case Number: C14-2011-0103

Contact: Clark Patterson, 974-7691

Public Hearing: Sep 27, 2011, Planning Commission

Oct 20, 2011, City Council

AMANDA ROUSHMAN  
Your Name (please print)

I am in favor  
 I object

1705 E SZEEN ST #102 AUSTIN TX 78723  
Your address(es) affected by this application

Amanda Roushman SEP 17

Signature 5127772-30020  
Daytime Telephone: 512-777-3002

Comments: IF YOU WANT TO PUT ANY  
THING ON THIS ROAD PUT IT ON  
SOUTH SIDE OF THE ROAD.

THANK YOU

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

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