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ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0125 **P.C. DATE:** November 8, 2011
Archways II

ADDRESS: 2500 and 2502 Manor Road **AREA:** 0.1838 acres (8,004 s.f.)

OWNER: Jason Berkowitz **AGENT:** Land Answers, Inc.
(Jim Witliff)

ZONING

TRACT 1:

FROM: LR-MU-V-CO-NP **TO:** GR-MU-CO-NP **AREA:** 0.1715 acres (7,469 s.f.)

TRACT 2:

FROM: LR-MU-V-CO-NP **TO:** CS-1-MU-CO-NP **AREA:** 0.0123 acres (535 s.f.)

AREA STUDY: N/A **TIA:** Is not required

WATERSHEDS: Boggy Creek **DESIRED DEVELOPMENT ZONE:** Yes

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

NEIGHBORHOOD PLAN AREA: Upper Boggy Creek

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant GR-MU-CO-NP and CS-1-MU-CO-NP zoning. As requested by the applicant, staff recommends the following uses be prohibited from the GR-MU-CO-NP tract: service station, auto repair, auto sales, auto washing, bail bond services, exterminating services, outdoor sports and recreation, and pawn shops. Also in accordance with the applicant and neighborhood's request, a conditional overlay is recommended that states "No certificates of occupancy shall be issued unless ten bicycle parking spaces in addition to required parking are provided for each zoning tract. Bicycle parking construction may be phased with tract development." Staff also recommends development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

November 8, 2011:

DEPARTMENT COMMENTS:

The subject property is zoned LR-MU-V-CO-NP and CS-1-M-CO-NP. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes rezoning portions of the subject property that are currently zoned LR-MU-V-CO-NP to GR-MU-CO-NP and CS-1-MU-CO-NP to allow redevelopment of the

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property as a restaurant and cocktail lounge. Restaurant is a permitted use in CS-1, but development of a cocktail lounge is a conditional use in CS-1, and will require a Conditional Use Permit as part of the site plan process. A remainder of 6,669 s.f. will remain LR-MU-V-CO-NP. Please refer to Exhibit A-2 (Conceptual Site Layout).

The subject property is located on two tracts that have frontage on Manor Road. There are three wood structures on the property. The structure at 2500 Manor Road is vacant, and 2502 Manor Road is used as a medical office. The structure in the rear is used as a laundromat for the adjacent apartments to the north and east. Surrounding land uses are apartments to the north, south and east, as well as commercial to the south and west.

The applicant has provided two letters of support for this application. The first is from the Cherrywood Neighborhood Association (CNA), and the second is from the Upper Boggy Creek Neighborhood Plan Contact Team (UBC). Both letters support the rezoning to GR-MU-CO-NP and CS-1-MU-CO-NP, along with the conditions as described above. City staff has also received correspondence in support of the rezoning request. Please refer to Exhibit A-3 (Neighborhood Letters).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-MU-V-CO-NP	Medical Office, Vacant, Laundromat
<i>North</i>	LR-MU-V-CO-NP	Apartments
<i>South</i>	CS-MU-CO-NP, CS-MU-V-CO-NP	Apartments, Commercial
<i>East</i>	LR-MU-V-CO-NP, MF-4-NP	Apartments
<i>West</i>	CS-MU-V-NP	Apartments, Commercial

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0082	The applicant proposed rezoning property from LO-MU-CO-NP to LR-MU-CO-NP (Tracts 1 & 2), MF-4-NP to GO-MU-NP (Tracts 3 & 4) and SF-3-NP to GO-MU-NP (Tract 5)	Approved per staff recommendation for LR-MU-CO-NP (Tract1); CS-1-MU-CO-NP & LR-MU-CO-NP (Tract 2); LR-MU-CO-NP (Tracts 3 & 4); and GO-MU-CO-NP (Tract 5) by consent (8-0)	Approved Ordinance 20091210-086 for LR-MU-CO-NP (Tracts 1 & 2a); CS-1-MU-CO-NP (Tract 2b); LR-MU-CO-NP (Tracts 3 & 4); and GO-MU-CO-NP (Tract 5) by consent (6-0)

RELATED CASES:

The property owners requested the zoning changes referenced above in 2009 for the proposed redevelopment of the subject property. The development proposed at that time

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included multiple tracts, and was a mixed use of restaurant, cocktail lounge, retail and multifamily. The multifamily use was provided by the adjacent apartment property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Manor Road	60'	Varies	Arterial	Yes	Yes	No

NEIGHBORHOOD ORGANIZATIONS:

PODER

Cherrywood Neighborhood Association

United East Austin Coalition

SCHOOLS:

Maplewood Elementary School

Kealing Middle School

McCallum High School

CITY COUNCIL DATE: December 8, 2011

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant GR-MU-CO-NP and CS-1-MU-CO-NP zoning. As requested by the applicant, staff recommends the following uses be prohibited from the GR-MU-CO-NP tract: service station, auto repair, auto sales, auto washing, bail bond services, exterminating services, outdoor sports and recreation, and pawn shops. Also in accordance with the applicant and neighborhood's request, a conditional overlay is recommended that states "No certificates of occupancy shall be issued unless ten bicycle parking spaces in addition to required parking are provided for each zoning tract. Bicycle parking construction may be phased with tract development." Staff also recommends development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should allow for reasonable use of the property.*

The zoning request is being made to allow redevelopment of the property, instead of keeping vacant office space.

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.

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]

Site Plan:

This site is within the Capitol View Corridor, and the maximum height allowed within the view corridor is strictly enforced. For any new development, an application for a Capitol View Corridor Height Determination must be submitted to Intake and demonstrate compliance prior to site plan review. For more information, contact the Development Assistance Center at 974-6370.

Manor Road is classified as an Urban Roadway, and any new development is subject to Subchapter E Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Comprehensive Planning:

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This zoning case is within the boundaries of the Upper Boggy Creek Neighborhood Plan. The requested zoning change of LR-MU-CO-NP to GR-MU-CO-NP and CS-I-MU-CO-NP is in accordance with the mixed use land use category identified on the Future Land Use Map.

The subject properties are within the Manor Road Corridor—Manor Road from the frontage road of IH-35 to Airport Boulevard. The Upper Boggy Creek Neighborhood Plan vision for the Manor Road Corridor is that it “will become a vibrant, mixed-use transit-oriented corridor that provides existing and new housing opportunities for mixed-income households, entertainment, services, employment opportunities, and commercial opportunities in a neighborhood-friendly fashion” (page 34). The plan calls for the streetscape along Manor Road to be pedestrian-friendly, promote a safe environment for pedestrians, and to locate parking at the side or at the rear of the structure. A conditional overlay along the Manor Corridor was recommended to limit the height of commercial buildings along the corridor to forty feet (three stories). This conditional overlay also lists several prohibitive and conditional uses for this area but cocktail lounges and restaurants were not included in this list.

The proposed commercial use is consistent with the plan’s goal to encourage new commercial or mixed-use development along Manor Road.

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.

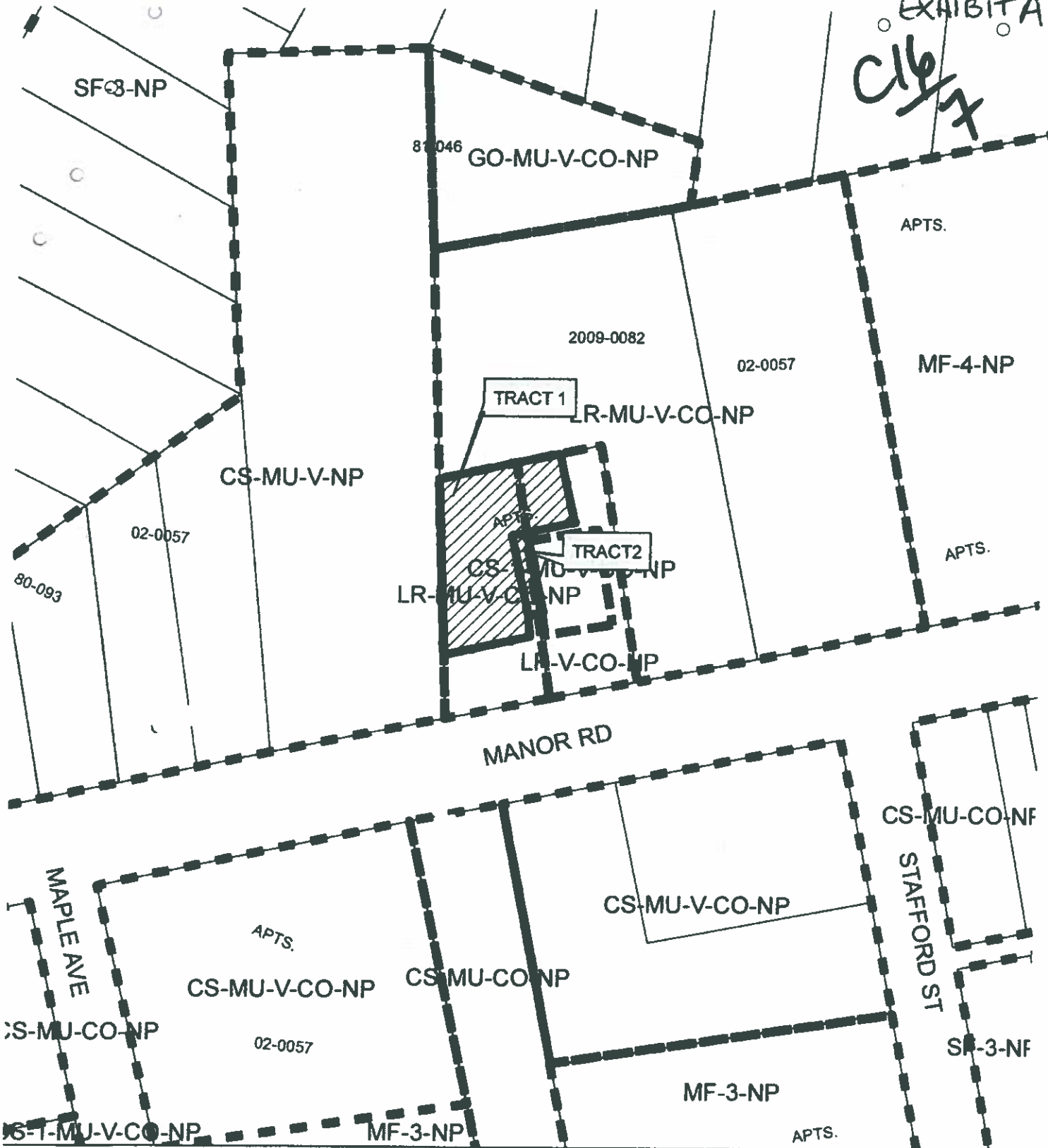
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Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water/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 by the land use. 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 if the landowner makes an application for a City of Austin water and wastewater utility tap permit.

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2011-0125

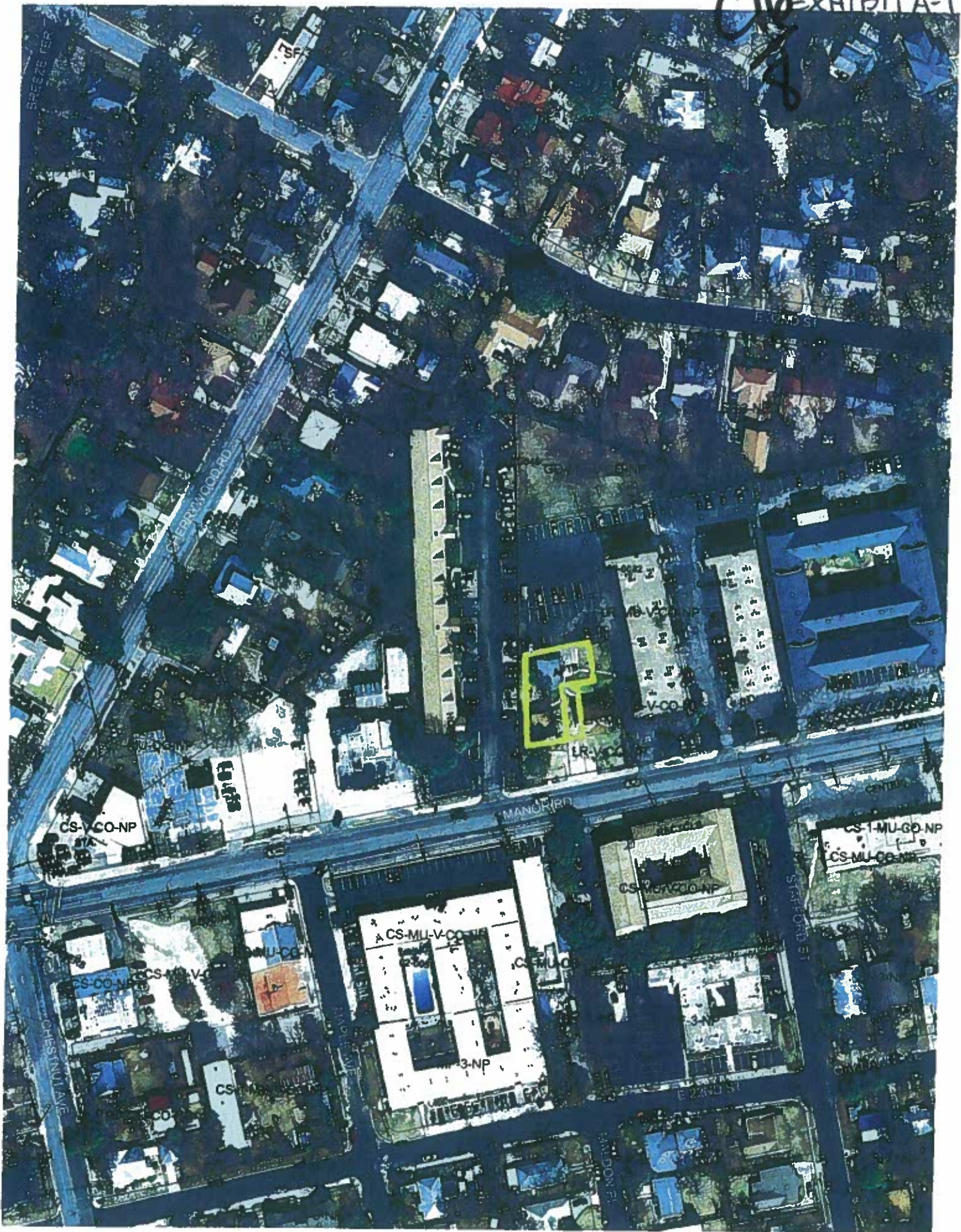


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



CLB
EXHIBIT A-1



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apartments existing:
100 units *1 (efficiency) * 8
TOTAL REQUIRED 82 spaces

phase 1 bar:
existing house 1,355 sf
uncovered outdoor seating 145 sf
addition/covered seating 999 sf
TOTAL BAR PHASE 1 2,500 sf

*Parking ratio increases to 1:150 when bar area (indoor + outdoor) exceeds 2,500 sf

*Manor house remaining to allow for Restaurant (Commercial, Open) LA zoning only unless Restaurant (Limited) which does not allow outdoor sales and covered bars area than rest of indoor area or outdoor seating.

phase 2 restaurant:
existing house 1,000sf
add'l outdoor seating 1,900 sf
TOTAL PHASE 2 3,000sf

TOTAL AREA 5,500 sf

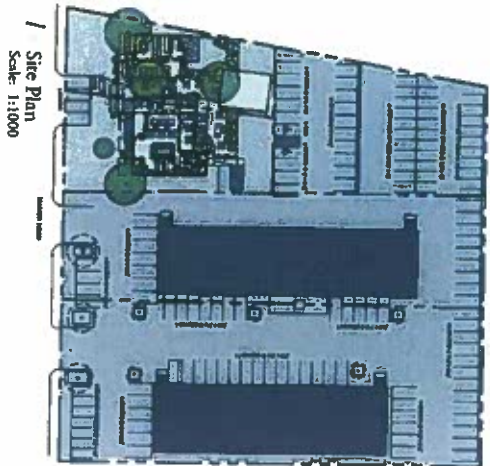
required parking:
bar: 2500/100 *0.8 20 spaces
restaurant: 3000/75 *0.8 32 spaces
TOTAL REQUIRED 52 spaces

*Parking ratio increases to 1:175 when restaurant area (indoor + outdoor covered areas) exceed 2,500 sf

provided parking:
existing: 120 spaces
manor spaces: 4 spaces
new ADA: 1 spaces
TOTAL PROVIDED 125 spaces

TOTAL REQUIRED 134 spaces
APT REQUIRED 82 spaces
TOTAL AVAILABLE 52 SPACES

Buildings required to be wheelchair (when indoor and outdoor covered areas exceed 100 occupants.



Michael Hsu
Office Of Architecture

3423 Guadalupe Street, Suite 200
Austin, Texas 78703
(512) 706-4903

2500 Manor Road

Austin, Texas

07 September 2011

Site Plan

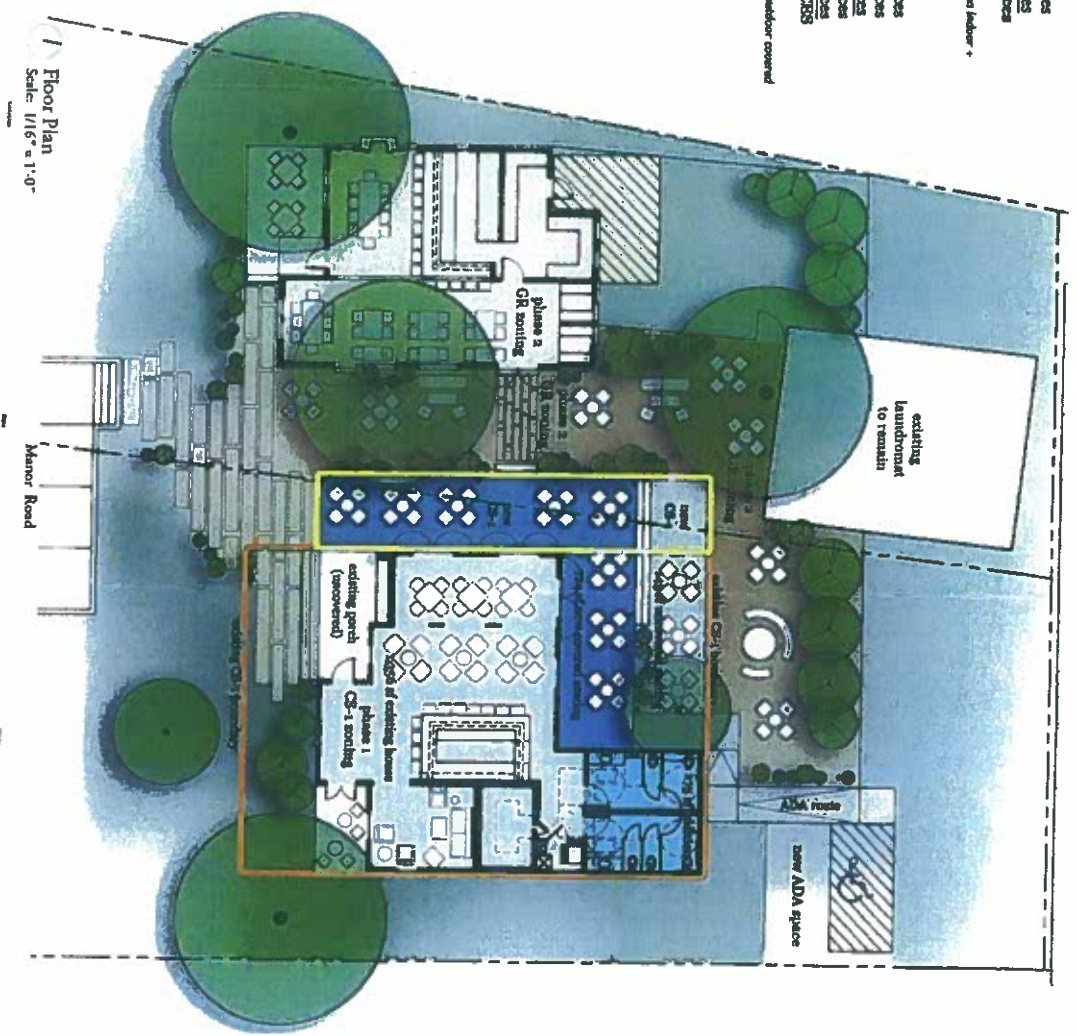




EXHIBIT A-
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The Cherrywood Neighborhood is bounded by IH-35, Airport Boulevard and Manor Road and is a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

P.O. Box 4631 | Austin, TX 78765 | steering@cherrywood.org | www.cherrywood.org

October 6, 2011

Land Answers, Inc.
c/o Jim Wittliff, Agent
3606 Winfield Cove
Austin, TX. 78704

Re: 2500 – 2502 Manor Road

Mr. Wittliff:

Cherrywood Neighborhood Association (CNA) supports the proposed change in Zoning for 2500 and 2502 Manor Road, as follows: (A) 7,469 sq. ft. to be rezoned from LR-MU-CO-NP to GR-MU-CO-NP, to allow alcohol to be served at a proposed restaurant at 2500 Manor Road. The following GR uses will be prohibited: Service Station, Auto Repair, Auto Sales, Auto Washing, Bail Bond Services, Exterminating Services, Outdoor Sports and Recreation, and Pawn Shops. (B) 535 sq. ft. to be rezoned from LR-MU-CO-NP to CS-1-MU-CO-NP, to allow more flexibility in the design of the proposed Cocktail Lounge for 2502 Manor Road, which is envisioned to be a companion project with the restaurant. Our support is contingent on each site providing a minimum of 10 bicycle parking spaces.

We appreciate very much the fact that the applicant came to us before any application was made to the City, so that the application, when made, could reflect our input; and we appreciate and accept the applicant's decision to limit the size of the restaurant so that no parking variance is requested.

Aaron Choate, Chair
CNA Steering Committee

CC: Heather Chaffin, Zoning Case Manager



Upper Boggy Creek Neighborhood Plan Contact Team

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Christopher Swanson, Chair
ubonpt.chair@gmail.com
1208 Norwood Rd
Austin, Texas 78722

John Lee, Vice Chair
wwd1@jlee.us

Kathy Bolstoroff, Secretary
bolay@grandecom.net

12 October 2011

Director
City of Austin Planning and Development Review Department

via

Land Answers, Inc.
c/o Jim Wilf, Agent
email: landanswers@sbcglobal.net

Re: 2500-2502 Manor Rd.

The Upper Boggy Creek Neighborhood Plan Contact Team (UBC) would like to express its support for the proposed change in zoning to the above referenced property. UBC met at its regularly scheduled September meeting and voted to endorse and adopt the attached position of the Cherrywood Neighborhood Association, including the contingent requirement for additional bicycle parking.

Should you have any questions regarding this matter please feel free to contact me at the above address.

Sincerely,

Christopher Swanson

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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: C14-2011-0125 Archway II
Contact: Heather Chaffin, (512) 974-2122
Public Hearing: Nov 8, 2011, Planning Commission
Dec 8, 2011, City Council

Lauri Ryley
Your Name (please Print)

I am in favor
 I object

3005 Cherrywood, Austin, TX 78722
Your address affected by this application

 Signature
11/01/11 Date

Daytime Telephone: 512-236-9200

Comments: I have no conflicts w/this.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810