

ZONING CHANGE REVIEW SHEET

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CASE: C14-2011-0103 IBC Mueller View

P. C. DATE: 10/25/11, 11/08/11

ADDRESS: 1206 E. 51st 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 a bank with approximately four drive through lanes. The zoning case is within the boundaries of the University Hills/Windsor Park (UHP) 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 51st Street between the intersections of Cameron Road and Lancaster Court. As stated on page 45, an objective for this area is to, “Transform 51st Street into a pedestrian friendly street with businesses that support both the neighborhoods north of 51st 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 51st Street into a pedestrian friendly street and restrict automobile oriented businesses.

PLANNING COMMISSION RECOMMENDATION:

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 [Vote: 9-0]	Approved PUD [Vote: 7-0]
C14-2074-0071	From LR to CS-CO	Deny CS-CO [Vote: 6-1]	Approved CS-CO [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

CITY COUNCIL DATE: December 8th, 2011

ACTION:

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ORDINANCE READINGS: 1ST 2ND 3RD




ORDINANCE NUMBER:

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

PHONE: 974-7691



Handwritten: 15/15

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2011-0103



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

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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

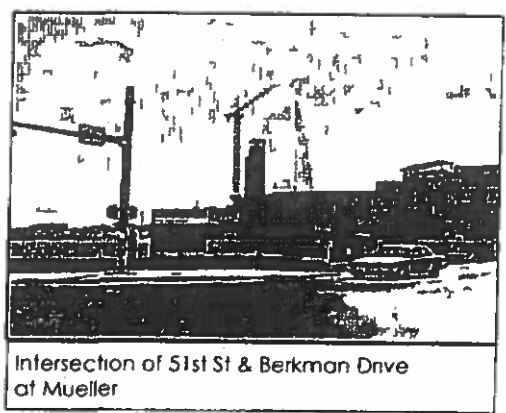
Recommendation

- 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

51ST STREET & VICINITY

Land Use Workshop held on June 24 2006

With the redevelopment at the former Robert Mueller Municipal Airport 51st 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 51st Street, including older single family dwellings, apartment complexes, small offices, and two large churches (See aerial photograph on Page 43). UHWP plan participants envision 51st Street as a pedestrian friendly, mixed use roadway. In addition to the community's desire for increased commercial development along 51st Street, they also want the neighborhoods north of 51st Street to remain buffered from the anticipated additional traffic and more intense land uses along 51st Street and within the

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LAND USE AND DEVELOPMENT

Mueller redevelopment

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

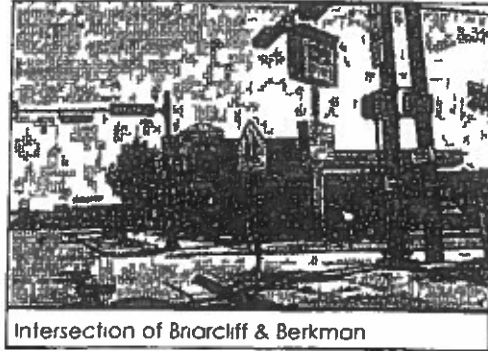
Recommendations

- 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 51st 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 51st Street (e.g. Dell Children's Center large retail stores etc.)

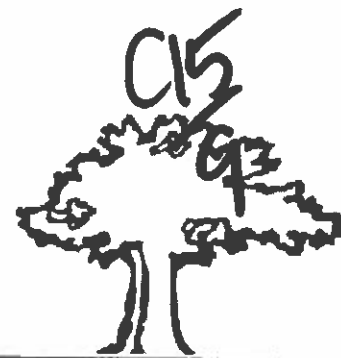
Recommendations

- Maintain multi family zoning of properties currently in multi family use along 52nd 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 51st street to residential uses on 52nd 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 51st Street as it approaches the entrance to the Windsor Park neighborhood at Berkman Drive



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 51st 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. 51st 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

Patterson, Clark

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

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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

C15
/11

From: **Mueller Neighborhood Association** <betsy.hilton@gmail.com>
Date: Sat, Oct 22, 2011 at 5:59 PM
Subject: Oct. 25 Agenda Item C6 - Case #C14-2011-0103
To: sully.jumpnet@sbcglobal.net, dchimenti@austin.rr.com, vskirk@att.net,
amdealey@aol.com, dave.anderson.07@gmail.com, mnrghatfield@yahoo.com,
alfonsohernandez@gmail.com, commjms@sbcglobal.net, donna.plancom@gmail.com
Cc: rick krivon <krivon@aol.com>, MNA Steering Committee
<steering@muellercommunity.com>

Members of the Planning Commission: I am writing in my role as chair of the Mueller Neighborhood Association (MNA) and on behalf of our Steering Committee.

The MNA Steering Committee voted unanimously to oppose the conditional overlay request to allow drive-through lanes as requested by IBC Bank for a planned development on 51st Street near Lancaster Avenue. This item is Case #C14-2011-0103.

The drive-through lanes are a conditional use that we oppose, as Windsor Park's neighborhood plan calls for the restriction of auto-oriented businesses on 51st, and this proposal doesn't fit with the mixed-use shown on the plan's Future Land Use Map. Furthermore, there a visioning effort is currently underway for the 51st Street corridor. Early indications are that neighborhoods along this corridor are interested in pedestrian friendly development on both sides of 51st Street. The proposed drive-through lanes are simply not compatible with the goals of the adjoining neighborhoods. We believe it would be premature to deviate from Windsor Park's neighborhood plan, against their wishes while a consensus vision for the 51st Street corridor is being developed.

We also note that while IBC is planning to develop along 51st Street, they are closing nine locations in the Austin area.

We urge you to deny the request for drive-through lanes, thereby supporting our joint neighborhood vision for a walkable and bikeable urban environment.

Betsy Hilton, Chair
Mueller Neighborhood Association
mna@muellercommunity.com

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: C14-2011-0103

Contact: Clark Patterson, 974-7691

Public Hearing: Sep 27, 2011, Planning Commission
Oct 20, 2011, City Council

Waite Olewick
Your Name (please print)

1205 E 52 St

Your address(es) affected by this application

Wall Olewick

Signature

Daytime Telephone: 371-3786

17 Sep 2011
Date

I am in favor
 I object

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 honor 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 Neboraz

Your Name (please print)

1127 E. 52nd ST. #19

Your address(es) affected by this application

Steven Guy Neboraz

Signature

9/17/2011

Date

Daytime Telephone: 847-660-8357

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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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

AMANDA R COSMAN
Your Name (please print)

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

Amanda R Cosman SEP 17
Signature 5127772-30820
Daytime Telephone: ~~5127772-30820~~

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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Case Number: C14-2011-0103

Contact: Clark Patterson, 974-7691

Public Hearing: Sep 27, 2011, Planning Commission OCT 25, 2011

Oct 20, 2011, City Council ?

LARRY R. BARTLING

Your Name (please print)

1210 E. 51ST ST.

Your address(es) affected by this application

Larry R. Bartling

Signature

OCT 18, 2011

Date

Daytime Telephone: 254-690-2522

I am in favor
 I object

Comments: IBC HAS PROPOSED A WELL-PLANNED PROJECT THEY HAVE ADDRESSED ALL THE CONCERNS OF THE NEIGHBORHOOD ASSOC. THEY HAVE EVEN CALLED THE DRIVE-THRU LANES AT 2 LANES. THERE WOULD BE NO MORE SOLUTION FROM DRIVE-THRU LANES THAN THERE WOULD BE FROM MULTI-USE BLUES.
 IBC PLANS TO HOLD A HEARING TO HIRE QUALIFIED PERSONS TO STAFF THE BANK FROM THE WILDFIRE PARK NEIGHBORHOOD.
 THE PROJECT WOULD BOTH UPGRADE AND ENHANCE THE APPEARANCE OF THAT AREA OF 51ST AND THE NEIGHBORHOOD.

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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