

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

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NEIGHORHOOD PLAN: Great South River City Combined Neighborhood Plan

CASE#: NPA-2012-0022.01

FILED: September 17, 2012 (out-of-cycle)

PC DATE: December 11, 2012

ADDRESS/ES: 518 East Oltorf Street

SITE AREA: Approx. 0.387

OWNERS: Howard A. Ramey and Michael R. McWatters

APPLICANT: Jimmy Nassour

AGENT: Alice Glasco Consulting (Alice Glasco)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Office

To: Commercial

Base District Zoning Change

Related Zoning Case: NPA-2012-0116

From: GO-NP

To: GR-NP

NEIGHBORHOOD PLAN ADOPTION DATE: September 29, 2005

PLANNING COMMISSION RECOMMENDATION: Final recommendation pending.

Previous Action:

On December 11, 2013, the motion to postpone to January 22, 2013 by the request of the applicant was approved on the consent agenda by Commissioner Jean Steven's motion, Commissioner James Nortey seconded the motion on a vote of 6-0; Chair Dave Anderson and Commissioners Richard Hatfield and Alfonso Hernandez was absent.

STAFF RECOMMENDATION: Recommended for Commercial land use

BASIS FOR STAFF'S RECOMMENDATION: Staff recommends Commercial land use on the future land use map primarily because there is existing Commercial land use to the east and west of the subject tract which also fronts onto Oltorf Street, a major arterial.

Ideally, staff would have recommended Neighborhood Commercial or Neighborhood Mixed Use land use because of the residential adjacency to the north; however, it is Departmental policy to not recommend a land use that did not exist when the neighborhood plan was created. The Neighborhood Commercial and Neighborhood Mixed Use land wasn't created until 2008.

The zoning staff is recommending LR-CO-NP, Neighborhood Commercial – Conditional Overlay- Neighborhood Plan, which is compatible with the Commercial land use recommended by the neighborhood planning staff and is consistent with the plan goals of protecting residential areas adjacent to commercial uses.

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Land Use and Historic Preservation

Goal (A): Maintain the historic fabric and respect the established neighborhood character and natural assets.

Objective: New single-family construction in residential areas should complement, reflect, and respect the character of the single-family houses in the area.

Recommendation A1: The scale and massing of new and remodeled houses should be consistent with the surrounding residences. (NPZD)

Goal (B): Identify and develop criteria for the interface between residences and commercial development.

Objective: Continue to allow office and limited commercial uses along IH-35, encouraging new development to respect the natural setting and to provide ample landscaping.

Objective: To the greatest extent possible, limit commercial development along Oltorf St. and Woodward St. to its current location and intensity.

Goal (C): Identify and develop criteria for density that result in a net benefit to the neighborhood.

Transportation

Goal (D): Enhance the transportation network to allow residents to walk, bike, roll, ride, and drive safely.

Objective: Minimize the impacts of parking and arterial roadways on the neighborhood.

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OFFICE - Existing Land Use

An area that provides for office uses as a transition from residential to commercial uses, or for large planned office areas. Permitted uses include business, professional, and financial offices as well as offices for individuals and non-profit organizations.

Purpose

1. Encourage office-related services in areas that cannot support the traffic generation of commercial uses;
2. Provide for small lot office conversions as a transition from commercial to residential uses; and
3. Preserve sites for employment and office related services.

Application

1. Appropriate for low volume streets such as collectors and minor arterials; and
2. Can be used to provide a transition between residential uses and more intense commercial and industrial uses.

COMMERCIAL - Proposed Land Use

Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals (see *Civic*).

Purpose

1. Encourage employment centers, commercial activities, and other non-residential development to locate along major thoroughfares; and
2. Reserve limited areas for intense, auto-oriented commercial uses that are generally not compatible with residential or mixed use environments.

Application

1. Focus the highest intensity commercial and industrial activities along freeways and major

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highways; and

2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

BACKGROUND: The application was filed on September 17, 2012, which is out-of-cycle for the City Council approved neighborhood planning areas located on the east side of I.H.-35, which would normally be July open application period. The Greater South River City Combined Planning Area Planning Contact Team provided a letter to allow the plan amendment application to be filed out-of-cycle.

The existing zoning on the property is GO-NP and the existing land use on the future land use map (FLUM) is Office. The applicant proposes to rezone the property to GR-NP Community Commercial – Neighborhood Plan and proposes to change the FLUM to Commercial.

The property is currently being used as an insurance business. The applicant seeks a zoning change to GR – Community Commercial District to open a restaurant with an outdoor patio. The building is 3,750 square feet and will include a 500 sq. foot outdoor patio. Forty parking spaces will be provided on the property, 30% of which will be compact parking.

PUBLIC MEETINGS: The ordinance-required plan amendment meeting was held on Monday, October 29, 2012. Approximately 309 meeting notices were mailed to property owners and utility account holders within 500 feet of the property, including neighborhood organizations and environmental groups registered on the Community Registry who requested notification for the area. Fourteen people attended the meeting, including city staff, the applicant and his agents.

After Maureen Meredith, city staff, gave a brief presentation outlining the applicant's request the applicant's agent, Alice Glasco, said the proposed new owner would like to open a restaurant on the property, which would be allowed in the GR- Community Commercial zoning district. The architect for the project said forty parking spaces will be provided, 30% of which will be compact parking spaces. There will be a 500 sq. ft. outdoor patio area.

After the presentation, the following questions were asked by the attendees:

Q. Does the GR- Community Commercial zoning district restrict the hours of operation?

A. No, but the TABC rules do.

Q. Will it be open until midnight?

A. You can't sell alcohol after 12:00 midnight.

Q. Will it be a local restaurant or a chain?

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A. The site is off the beaten path, so I suspect a chain restaurant would not be interested also the building is probably too small for a chain restaurant.

Q. How will you control the traffic from the customers and the deliveries? We already have problems with the auto repair shop parking cars on Rebel Road?

A. Unfortunately, the deliveries and traffic could possibly bleed over onto Rebel Road.

Q. Where will the garbage dumpsters be located?

A. The dumpster will be hidden from the street, where it is located now.

Q. I'm concerned about the noise from the traffic and the deliveries to the restaurant because I live next door. The loud trucks emptying the dumpster every morning already disturbs me.

A. The point of this meeting is hear your concerns so we can address them. We are willing to have more meetings with you and your neighbors on these issues. We could also explore restrictive covenant, if needed, to address concerns that cannot be put in a conditional overlay.

Q. Restaurants have a high failure rate. What could go into the building if it fails?

A. The GR list of uses shows what other uses could go on the property if the restaurant were to fail.

Q. If you can do a restaurant in the LR – Neighborhood Commercial zoning district, why do you want the GR- Community Commercial zoning district?

A. For the impervious cover and the building coverage.

Q. How many square feet will the restaurant be and how many parking spaces will you provide?

A. The building will be 3,750 square feet. We will provide 40 parking spaces.

Q. Would you be willing to have the GR – Community Commercial district with LR uses?

A. Yes, we would be willing to look into that.

Q. I don't want the restaurant to have negative effects on the neighbors. Restaurants can have a lot of traffic. The current building doesn't generate a lot of traffic. There could be leakage of oil from the cars and pollution. How will you control that?

A. We haven't done a lot of modifications to the parking lot because sometime making major changes can make things worse.

Q. Currently there's a six foot fence between the residential area and the building. Will that be changed?

A. One idea for the fence would be a taller cement block fence to help muffle the noise to protect the neighbors.

On December 3, 2012, the Greater South River City Planning Contact team sent an e-mail stating they do not support the change in the future land use map or the zoning change request. See page 8 and 9 of this report.

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On December 5, 2012, the South River City Citizens Neighborhood Association sent a letter stating they do not support the FLUM or zoning change. See page 10 of this report.

CITY COUNCIL DATE: Tentatively set for January 31, 2013

ACTION: Pending.

CASE MANAGER: Maureen Meredith

PHONE: 974-2695

EMAIL: Maureen.meredith@austintexas.gov

Out-of-Cycle letter from GSRC Planning Contact Team

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Greater South River City Neighborhood Planning Contact Team
c/o Jean Mather, Chair
1611 Alameda
Austin, Texas 78704

September 4, 2012

Mr. Greg Guernsey, Director
City of Austin Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

Dear Mr. Guernsey:

Last month the Greater South River City (GSRC) Neighborhood Planning Contact Team (NPCT) received a request from Ms. Alice Glasco to consider her request regarding an out-of-cycle application for an amendment to the GSRC Neighborhood Plan to change the use of the property at 508 East Oltorf from office to commercial. They are also requesting a zoning change from GO to GR.

On August 28, 2012 the GSRC NPCT met with Ms. Glasco and John Aune, both representing the owners of 508 East Oltorf. The property is under contract and there is no current project, however Mr. Aune said he envisions a sit-down restaurant in the current structure.

The team voted to approve the request for an out-of-cycle application. This decision should not be interpreted as approval of the requested changes in land use and zoning, rather as approval for the out-of-cycle application for those changes.

Please contact me or GSRC NPCT Vice-Chair Sarah Campbell at 512-462-2261 or sarahecampbell@earthlink.net if you have questions.

Sincerely,


Jean Mather, Chair
GSRC NPCT

Minutes of the Greater South River City (GSRC) Neighborhood Planning Contact Team (NPCT)

Wednesday November 28, 2012, 7:30 p.m.

Grace United Methodist Church, 205 East Monroe

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Members in attendance:

1. Jean Mather, Chair
2. Sarah Campbell, Co-Chair
3. Terry Franz, Secretary
4. Brian Talenti
5. Claudette Lowe
6. Connie Todd
7. David Swann
8. Mary Lovell
9. Sage White
10. Sam Martin
11. Teresa Griffin

Others in attendance:

1. Marc Davis, SRCC President

The purpose of the meeting was to make a decision regarding a proposed change of use and zoning for the property at 518 East Oltorf. The current use and zoning of the tract is Office; the owner has requested a change of use from Office to Commercial, and a change of zoning from GO to GR. A potential buyer envisions a restaurant at this location.

At a meeting hosted by the City on October 29, 2012 at One Texas Center, the agent said the potential buyer would be agreeable to these restrictions for the site:

1. GR zoning restricted to LR uses and
2. Height limit of 45 feet or 3 stories.

Following considerable discussion at this meeting and the meeting held November 5 at the home of the owner of the property adjacent to 518 East Oltorf, the GSRC NPCT voted unanimously to oppose the requested changes of use and zoning for the following reasons:

1. The neighborhood plan calls for office use at this site by design; office use is desired in our neighborhood, especially for a tract such as this that is directly adjacent to single family homes.
2. This tract directly abuts two single family homes on tracts zoned SF-3. The requested zoning does not provide an adequate zoning buffer between single family homes and commercial land uses.
3. A restaurant at this site would bring constant odors to the adjacent and nearby neighbors from garbage, grease traps and kitchen exhaust.

4. A restaurant at this site would bring frequent loud service vehicle traffic including food delivery trucks, garbage trucks and grease disposal trucks. These services are likely to interrupt the sleeping patterns of the adjacent and nearby neighbors.
5. A restaurant at this site has the potential to bring additional loud noise from outdoor dining, let alone the potential if it is used as an indoor or outdoor music venue.
6. Commercial use of this site is likely to increase parking and traffic on Rebel Road, a residential street that already is used as overflow parking for a nearby popular restaurant.
7. The change of use has the potential not only to make home life unbearable for the adjacent and nearby neighbors, but to drive down their property values.

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The meeting was adjourned at approximately 9:00.



Maureen Meredith, Senior Planner
City of Austin
Planning & Development Review Department
One Texas Center
505 Barton Springs Road
Austin, TX 78704

December 5, 2012

RE: 518 Ollort proposed zoning change C14-2012-0116

Dear Maureen:

On December 3rd, at the South River City Citizens Neighborhood Association's monthly general meeting, the membership voted unanimously to oppose the up-zoning 518 Ollort from GO-NP to GR-NP. After the applicant presented their plans to our membership, many residents voiced consistent concerns over the impact of this zoning change on the neighborhood, in particular the SF-3 properties that abut the property. SRCC passed a motion to oppose the zoning change for many of the same reasons that the GSRC NCPT decided to oppose the Neighborhood Plan amendment:

1. Office use is desired in our neighborhood, especially for a tract such as this that is directly adjacent to single family homes.
2. This tract directly abuts two single family homes on tracts zoned SF-3. The requested zoning does not provide an adequate zoning buffer between single family homes and commercial land uses.
3. A restaurant at this site would bring constant odors to the adjacent and nearby neighbors from garbage, grease traps, kitchen exhaust, and vermin.
4. A restaurant at this site would bring frequent loud service vehicle traffic including food delivery trucks, garbage trucks and grease disposal trucks.
5. These services are likely to interrupt the sleeping patterns of the adjacent and nearby neighbors due to typical restaurant hours.
6. A restaurant at this site has the potential to bring additional loud noise from outdoor dining, let alone the potential if it is used as an indoor or outdoor music venue.
7. Commercial use of this site is likely to increase parking and traffic on Rebel Road, a residential street that already is used as overflow parking for a nearby popular restaurant.
8. The change of use has the potential not only to make home life unbearable for the adjacent and nearby neighbors, but to drive down their property values.

Thank you for your consideration on this issue.

Sincerely,
Marc Davis

SRCC President

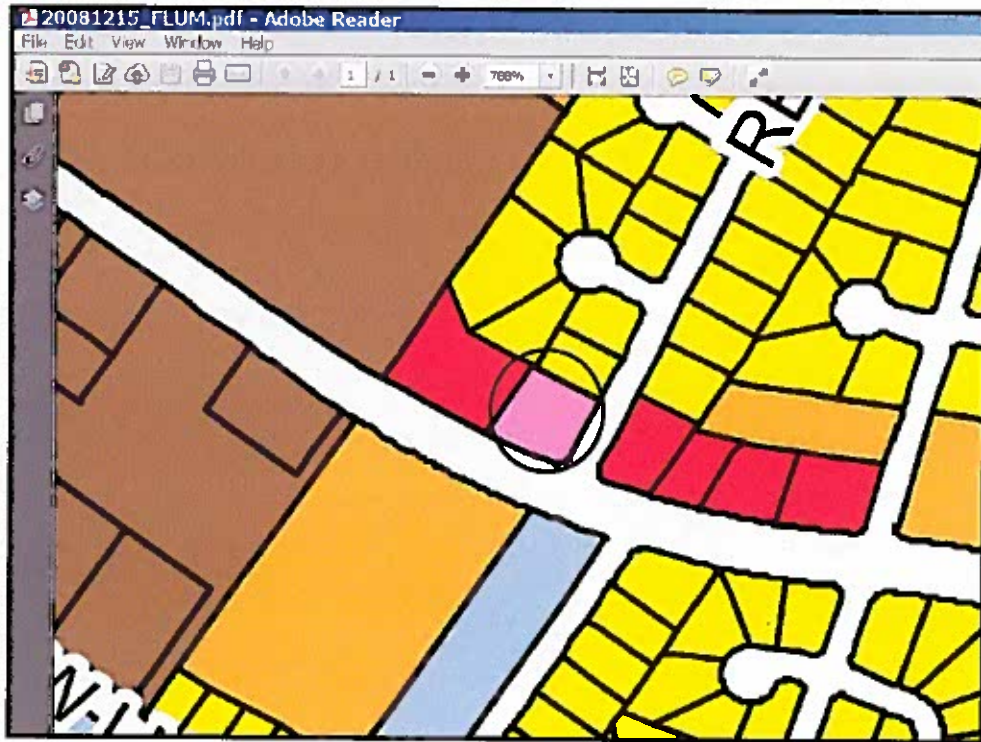
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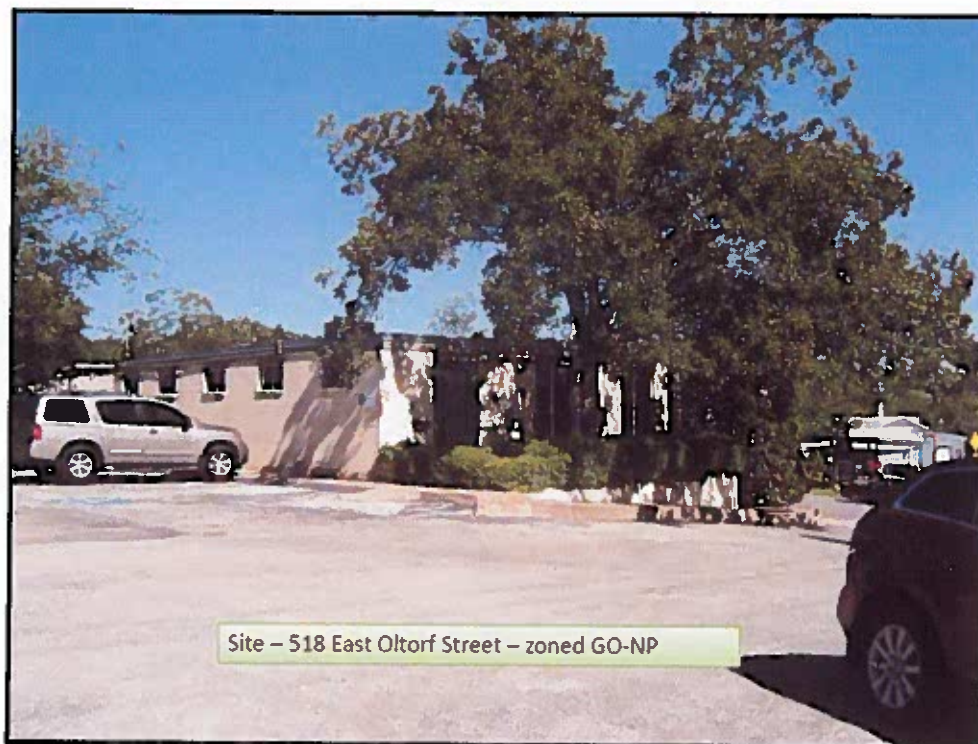
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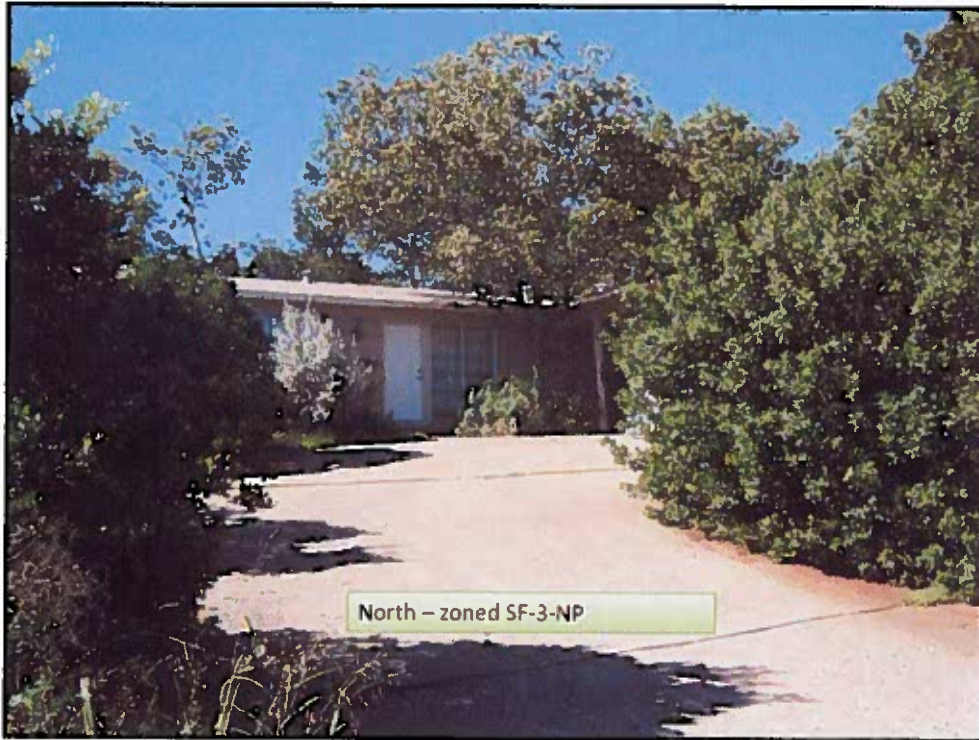
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treasurer@srccatx.org



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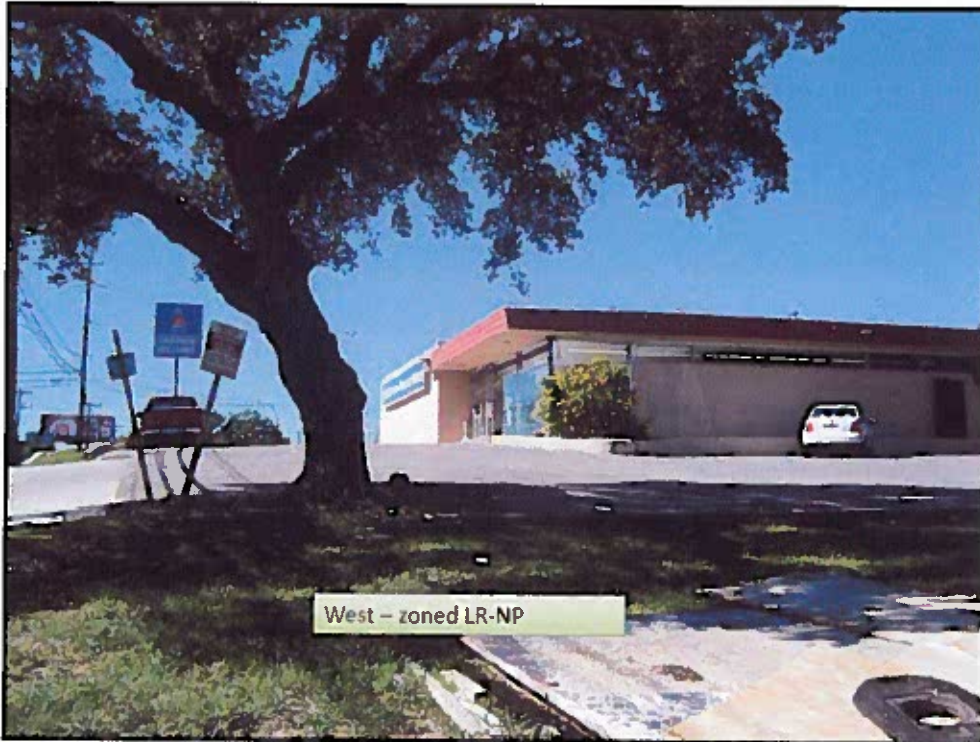
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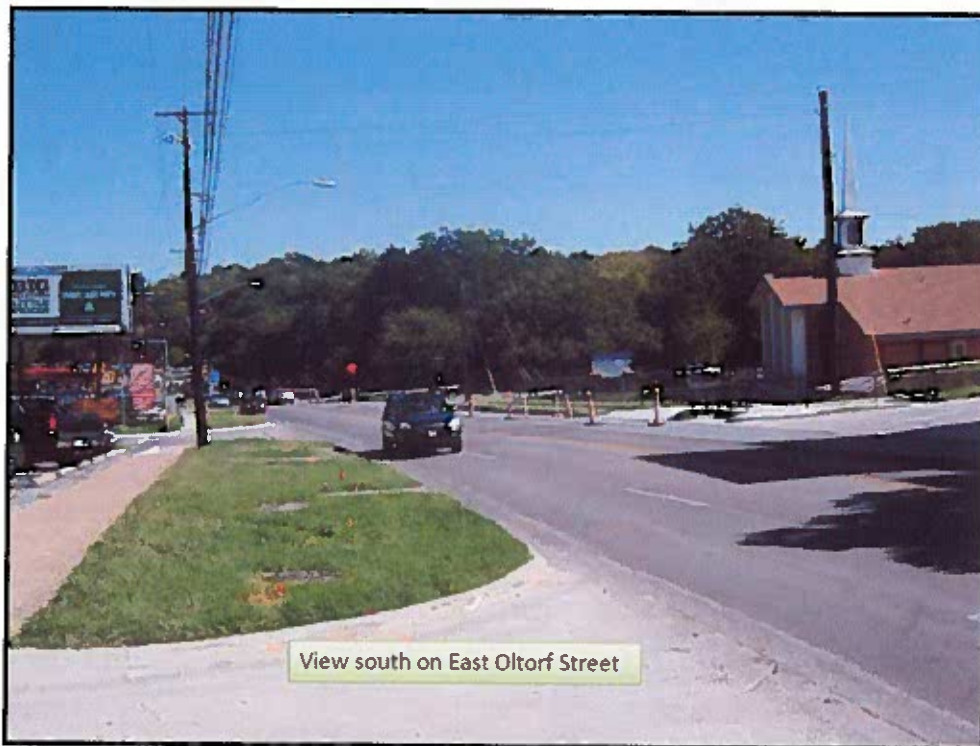


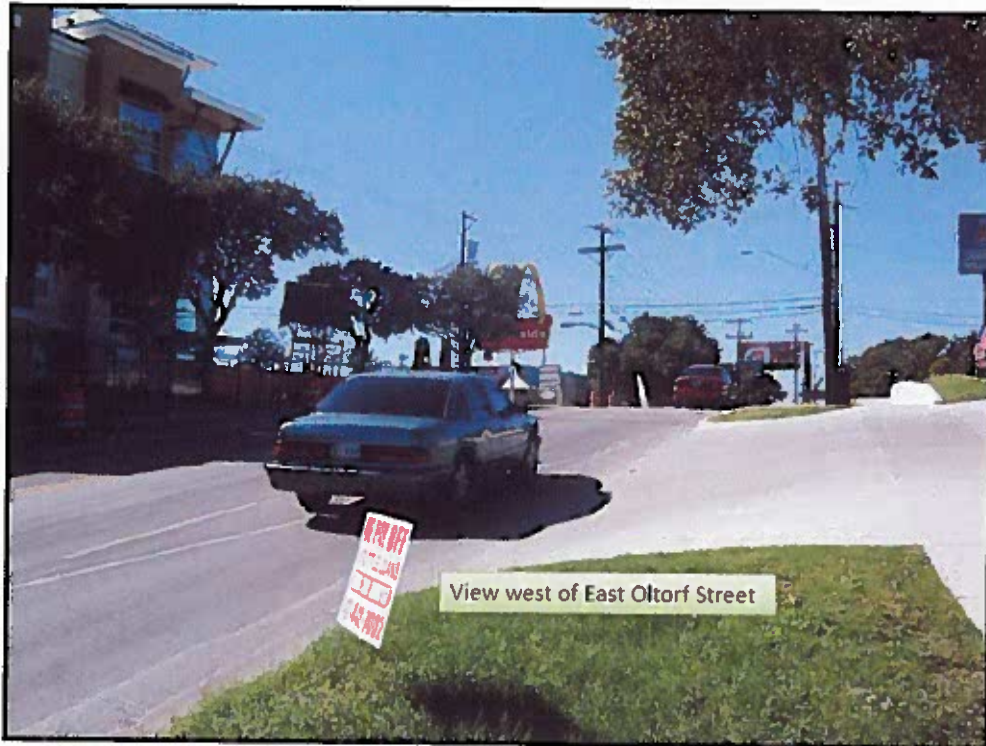
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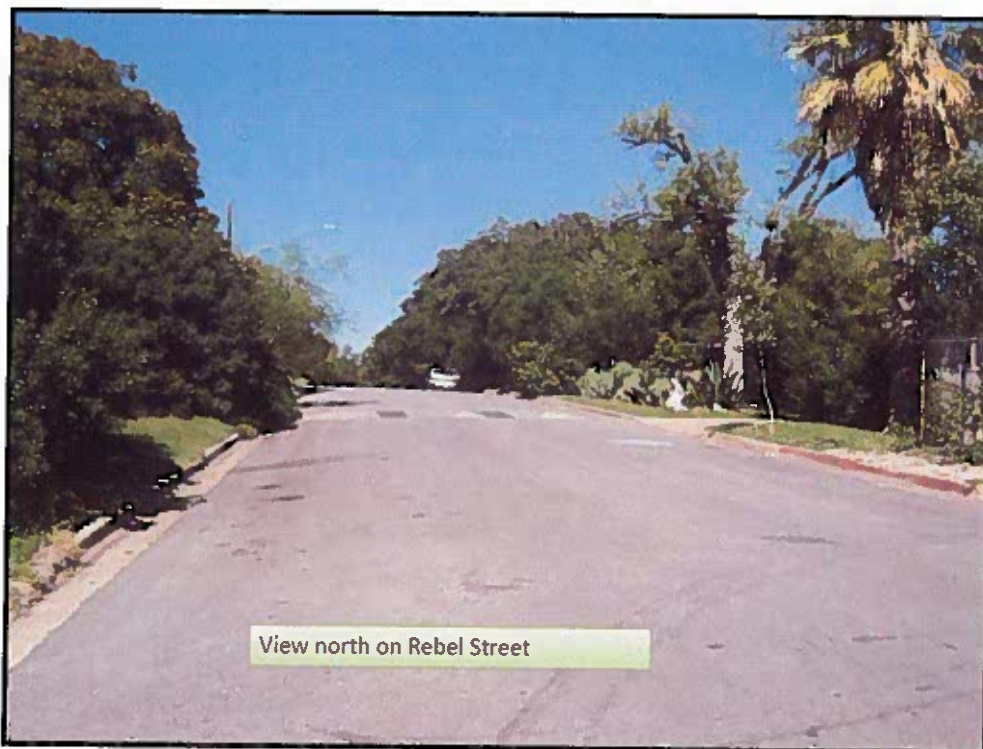


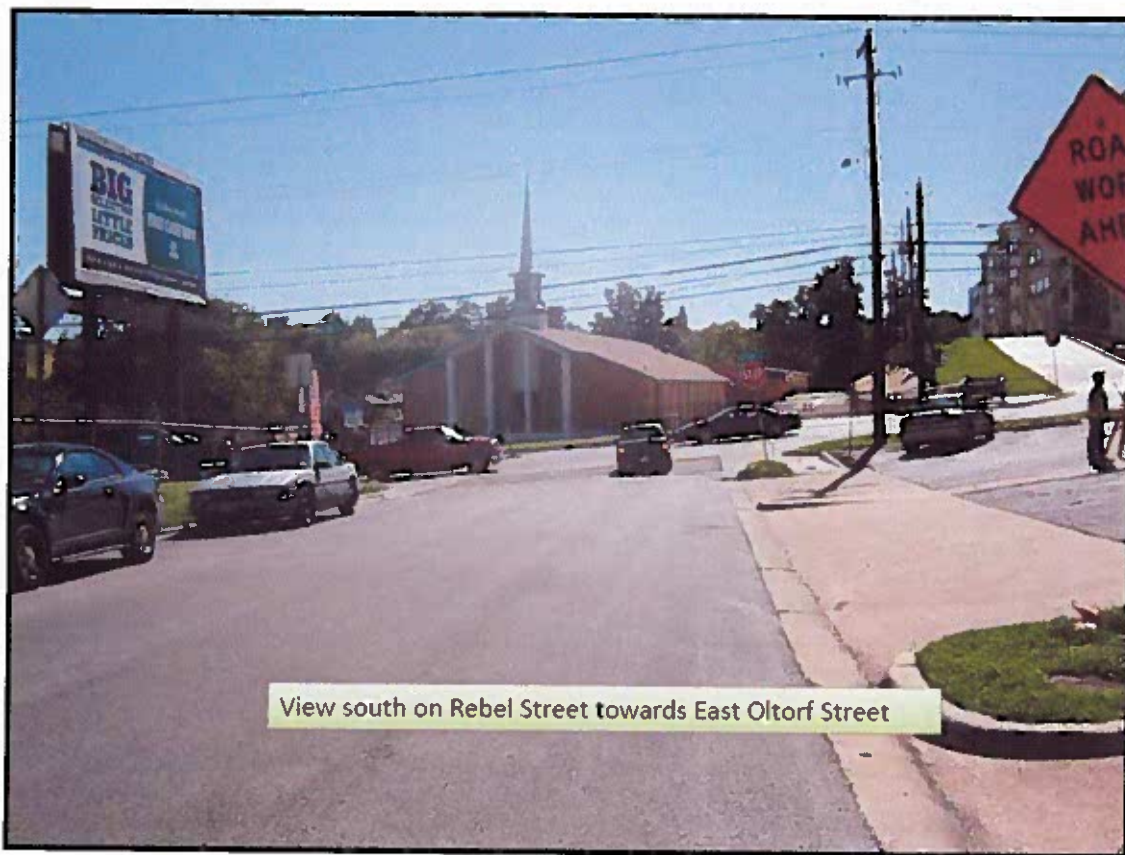
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