

## ZONING CHANGE REVIEW SHEET

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**CASE:** C14-2013-0084

**P.C. DATE:** August 27, 2013

**ADDRESS:** 901 Juniper Street

**AREA:** 0.2399 acres

**OWNER:** Ben's Long Branch Bar-B-Q, Inc. (Perry Lorenz)

**AGENT:** LS Johnston Architects (Linda Johnston)

**FROM:** Multifamily residence (Medium Density) - neighborhood conservation combining district neighborhood plan (MF-3-NCCD-NP) combining district zoning

**TO:** Community commercial district-conditional overlay-neighborhood conservation combining district-neighborhood plan (GR-CO-NCCD-NP) combining district zoning

**NEIGHBORHOOD PLAN AREA:** Central East Austin

**TIA:** Not required

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends GR-CO-NCCD-NP zoning. The proposed conditional overlay would reduce the permitted land uses to match the permitted land uses of neighborhood commercial zoning (LR) and the East 11<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD), with the exception that Food preparation would remain as a permitted land use. The conditional overlay would also require a neighborhood traffic analysis if development of the property exceeds 300 vehicle trips per day.

### **URBAN RENEWAL BOARD RECOMMENDATION:**

August 19, 2013: *TO SUPPORT THE REZONING REQUEST AS COMPATIBLE WITH THE URBAN RENEWAL PLAN. (4-0-3) (S. KIRK, J. BABB- 2<sup>ND</sup>; (M. CLARK-MADISON, C. DE LA FUENTE-VALADEZ, G. SMITH – ABSENT)*

### **PLANNING COMMISSION RECOMMENDATION:**

August 27, 2013:

### **ISSUES:**

The property is immediately north of Franklin's Barbeque restaurant. The Applicant has filed the rezoning request, along with the associated amendments of the East 11<sup>th</sup> Street NCCD

and the Urban Renewal Plan (URP), with the goal of providing a more permanent and suitable location for smokers that are currently on the property, as well as provide offices.

The associated NCCD amendment would add Food preparation as a permitted land use, because Food preparation was not defined as a land use until after the creation of the NCCD—the NCCD is silent on the use. The URP amendment would add commercial as a permitted land use categories. The current permitted categories are mixed use, office, residential and civic land uses.

The rezoning request proposes reducing permitted land uses to a combination of LR and NCCD regulations to achieve the most restrictive list of land uses that comply with both the base zoning category and the combining district.

#### **DEPARTMENT COMMENTS:**

The subject property is a single lot located at the southeast corner of Branch Street and Juniper Street. Please refer to Exhibits A and B (Zoning Map and Aerial View). Currently, the subject property is developed with a parking lot. Across Juniper Street to the north are single family residences that have been designated historic (SF-3H-NP), and are not in the East 11<sup>th</sup> Street NCCD. Immediately to the east is an undeveloped lot that is zoned MF-3-NCCD-NP, and the lots past that are zoned SF-3-NCCD-NP. The lots south of the subject property, which front East 11<sup>th</sup> Street, are all zoned CS-NCCD-NP. These properties are developed with a restaurant and the African American Cultural Center. Across Branch Street to the west is a shopping center zoned CS-NCCD-NP and CS-1-NCCD-NP.

The subject property is located within the boundaries of the E. 11<sup>th</sup> Street NCCD, which imposes additional conditions on the base zoning category. For the proposed rezoning, GR is requested because it is the least intensive zoning category that allows Food preparation. In GR, Food preparation is a Conditional Use; if the rezoning is granted, site development will require a Conditional Use Permit. The rezoning request proposes reducing permitted land uses to a combination of LR and NCCD regulations to achieve the most restrictive list of land uses that comply with both the base zoning category and the combining district. While the NCCD is generally much more restrictive, it allows Commercial parking facilities, which is prohibited in LR zoning (as Commercial off street parking). Additionally, there are some land uses that are permitted by the NCCD that are conditional in LR zoning. By creating a list of prohibited and conditional land uses that reflects the most restrictive conditions of LR and the NCCD, the proposed rezoning would maintain the standards of the NCCD even if it were eliminated in the future. The Applicant supports the Staff recommendation. Please refer to Exhibit C (Permitted Land Uses).

The Urban Renewal Board considered the rezoning request and URP modification at their August 19, 2013, meeting and supported both items on a vote of 4-0-3. Please see page one of this report for detailed voting information. The property is located in the Central East Austin Neighborhood Plan area, and no plan amendment is required for the project. The future land use map designates the area as Mixed Use.

#### **ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Juniper Street	40'	27'	Local	No	No	No
Branch Street	33'	27'	Local	No	Yes (#2)	No

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**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3-NCCD-NP	Parking lot
<i>North</i>	SF-3-H-NP	Residences
<i>South</i>	CS-NCCD-NP	Restaurant
<i>East</i>	MF-3-NCCD-NP, SF-3-NCCD-NP	Undeveloped
<i>West</i>	CS-NCCD-NP, CS-1-NCCD-NP	Shopping center

**NEIGHBORHOOD ORGANIZATIONS:**

Del Valle Community Coalition

PODER

El Concilio Coalition of Mexican American Neighborhood Associations

Swede Hill Neighborhood Association

Guadalupe Association for an Improved Neighborhood

Anderson Hill Homeowners Association

Austin Neighborhoods Council

E. 12<sup>th</sup> Street Business/Property Owner Association

Preservation Austin

United East Austin Coalition

OCEAN

Guadalupe Neighborhood Development Corporation

Robertson Hill Neighborhood Association

East End Merchants Association

**CITY COUNCIL DATE:** September 26, 2013 / October 3, 2013**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>    2<sup>nd</sup>    3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)**PHONE:** 974-2122

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**STAFF RECOMMENDATION:**

Staff recommends GR-CO-NCCD-NP zoning for the subject property. The proposed conditional overlay would reduce the permitted land uses to match the permitted land uses of neighborhood commercial zoning (LR) and the East 11<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD), with the exception that Food preparation would remain as a permitted land use. The conditional overlay would also require a neighborhood traffic analysis if development of the property exceeds 300 vehicle trips per day.

GR is the least intensive zoning category that allows Food preparation, the proposed use of the site. Since Food preparation is a Conditional Use in GR, site development will require a Conditional Use Permit, which will ensure public notification and Planning Commission approval at time of site plan. By creating a list of prohibited and conditional land uses that reflects the most restrictive conditions of LR and the NCCD, the proposed rezoning would maintain the standards of the NCCD even if it were eliminated in the future. The property is in a transitional area between high intensity commercial to residential neighborhoods, and is also part of a corridor that is well suited and ripe for commercial redevelopment.

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The Applicant proposes to develop the property with Food preparation land use. GR is the most restrictive zoning category that permits this use.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The subject property is located between three distinct areas: a major interstate with intensive commercial land uses, a commercial corridor that is undergoing revitalization and redevelopment, and a residential area that features historic homes and other single family residences. This is a difficult area for transition, and the proposed rezoning allows commercial land use that is significantly less intense than permitted uses to the west or south.

**SITE PLAN**

SP1. Any new development is subject to design standards of the East 11<sup>th</sup> Street NCCD. Additional comments will be made when the site plan is submitted.

SP2. The site is subject to compatibility standards along the north property line.

SP 3. Additional design regulations will be enforced at the time a site plan is submitted.

**TRANSPORTATION**

TR1. Additional right-of-way may be required at the time of subdivision and/or site plan.

TR2. A Neighborhood Traffic Analysis is waived if traffic generated by development of the property does not exceed 300 vehicle trips per day. This will be administered via Conditional Overlay.

TR3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

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- TR4. There are not existing sidewalks on Branch Street. There are not existing sidewalks on the south side of Juniper Street along the site.
- TR5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Brach Street or Juniper Street.
- TR6. Capital Metro bus service (route no. 2) is available along the corner of Branch Street and East 11<sup>th</sup> Street 100 feet from the site.

### ENVIRONMENTAL




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

### WATER UTILITY

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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 once 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#: C14-2013-0084**

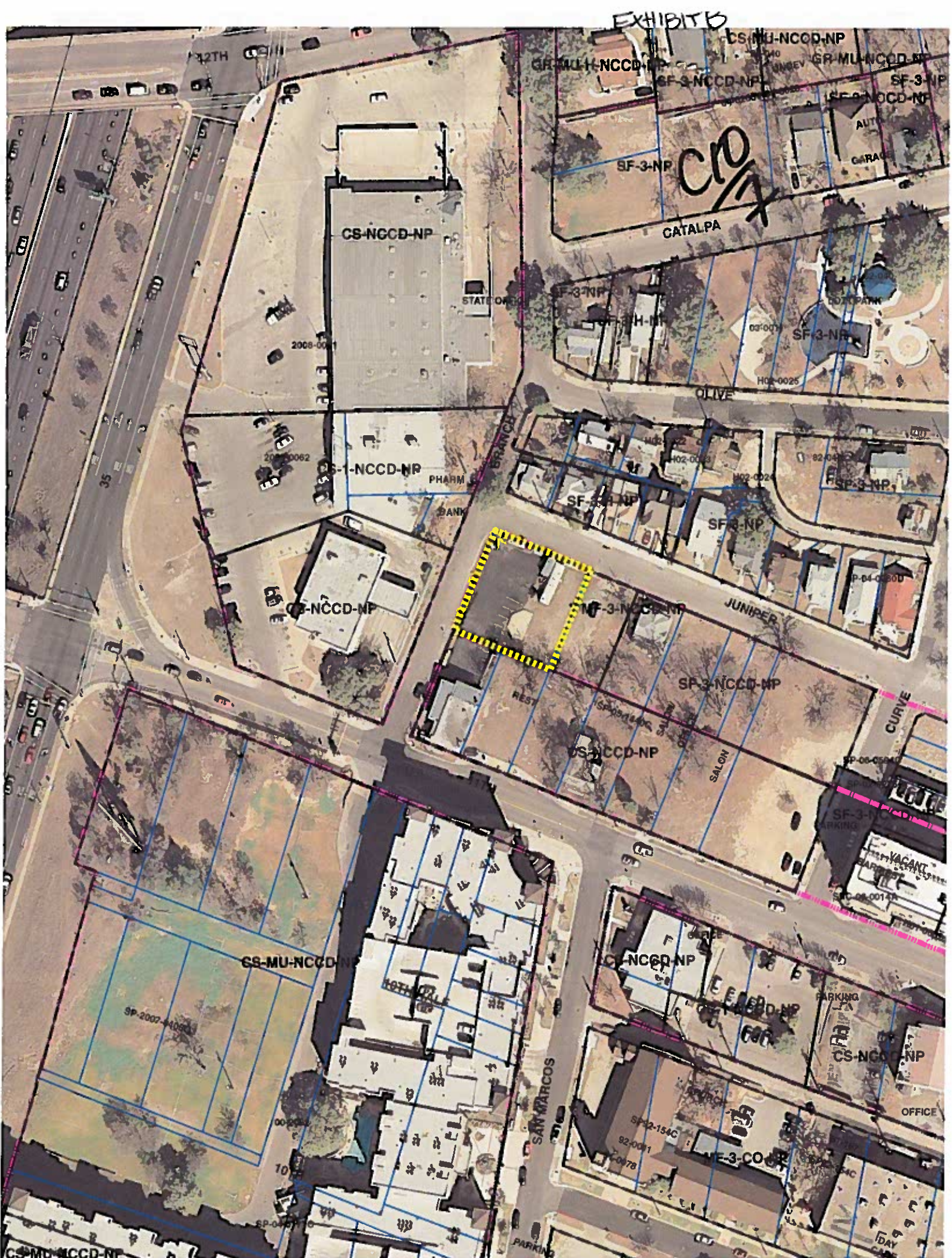
1" = 200'

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.

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**Permitted and Conditional Uses  
East 11<sup>th</sup> Street NCCD Subdistrict Two**

*Proposed modifications applicable to 901 Juniper Street are shown in RED.*

**PERMITTED USES**

**Residential**

~~Family Residential (18 to 27 units per acre)~~

~~Single Family Residential~~

~~Duplex Residential~~

~~Two-Family Residential~~

~~Townhouse/Condominium Residential~~

~~Multiple~~

**Commercial**

Administrative and Business Offices

Arts and Crafts Studio (limited)

Business Support Services

~~Commercial Parking Facilities~~

Medical Offices \*

Day Care Services (General)

Day Care Services (Limited)

Day Care Services (Commercial)

Personal Improvement Services

Personal Services

Professional Offices

**Civic**

Club or Lodge

Community Parking Facilities

Cultural Services

Guidance Services

Religious Assembly

Safety Services

**CONDITIONAL USES**

**Civic**

Community Recreation

College & University Facilities

Communication Service Facilities

Hospital Services

Private Educational Services

Public Educational Services

Employee Parking

(All parking not included in civic and commercial)

**Food Preparation**

\* Medical Offices less than 5,000 square feet: Permitted; Medical Offices greater than 5,000 square feet: Conditional.