

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0055 **P.C. DATE:** August 13, 2013
Airport Cafe

ADDRESS: 1137 Airport Boulevard, 1138 Gunter Street, 1139 Airport Boulevard

AREA: 0.4044 acres

OWNER: R& J Partners LLC (Ronnie and Joellen Meyeres)

AGENT: Alice Glasco Consulting (Alice Glasco)

FROM: Family residence-neighborhood plan (SF-3-NP) combining district

TO: General commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district

NEIGHBORHOOD PLAN AREA: East MLK Combined

TIA: See Summary Staff Recommendation

WATERSHED: Boggy **DESIRED DEVELOPMENT ZONE:** Yes

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

SUMMARY STAFF RECOMMENDATION:

Staff recommends Neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. The conditional overlay would prohibit the following land uses: Communication service facilities, Community events, Congregate living, Counseling services, Guidance services, (both limited and general), Residential treatment, Safety services, Adult oriented business, Alternative financial services, Medical offices exceeding 5,000 square feet, Off site accessory parking, and Service station. Development of the property will require a Neighborhood Traffic Assessment (NTA) at time of site plan if access is taken to Gunter Street and exceeds 300 vehicular trips per day. Additional right of way (ROW) along Airport Boulevard and Gunter Street may be required at time of subdivision or site plan. The Applicant and Neighborhood Contact Team support this recommendation.

PLANNING COMMISSION RECOMMENDATION:

August 13, 2013: *TO RECOMMEND CS-MU-CO-NP WITH PROHIBITED LAND USES PROVIDED BY NEIGHBORHOOD ASSOCIATION, (5-0-4). (S. OLIVER- 1ST, J. NORTEY- 2ND; D. ANDERSON, D. CHIMENTI, M. SMITH, R. HATFIELD- ABSENT)*

DEPARTMENT COMMENTS:

The subject property is located at the intersection of Airport Boulevard and Gunter Street. The property is comprised of three parcels zoned SF-3-NP, with a vacant house located on the middle of the three parcels. Immediately to the north of the subject property are single family residences zoned SF-3-NP. Across Gunter to the east are residential properties zoned SF-3-NP. Also to the east, but closer to Airport Boulevard is a multifamily development zoned CS-MU-NP. South and southwest of

the subject property, across Airport Boulevard are various commercial land uses, including Automotive repair, Pawn shop services, Personal services and Limited retail. Zoning categories on these parcels include CS-CO-NP, CS-1-CO-NP, and GR-MU-NP. Please refer to Exhibits A and B (Zoning Map and Aerial View).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Undeveloped, Vacant residence
<i>North</i>	SF-3-NP	Residences
<i>South</i>	CS-CO-NP, CS-1-CO-NP	Automotive repair, Pawn shop services
<i>East</i>	SF-3-NP, CS-MU-NP	Residences, Multifamily
<i>West</i>	CS-CO-NP, GR-MU-NP	Automotive repair, Personal services, Limited retail services

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Airport Boulevard	120'	2@36'	Major Arterial	Yes	No.135 & 350	Route No. 39
Gunter Street	Varies	30'	Residential Collector	Yes	No	N/A

NEIGHBORHOOD ORGANIZATIONS:

PODER
 METSA-NIC
 East MLK Combined Neighborhood Contact Team
 M.E.T.S.A. Neighborhood Association
 Govalle/Johnston Terrace Plan Team
 East MLK Combined Neighborhood Association
 Govalle Neighbors
 African American Cultural Heritage District Business Association
 United East Austin Coalition
 Guadalupe Neighborhood Development Corporation

SCHOOLS:

Govalle Elementary School Martin Middle School Eastside Memorial HS at Johnston

CITY COUNCIL DATE:

September 26, 2013: Postponement request by Staff to October 17, 2013; Approved on consent (7-0). (Spelman- 1st, Cole- 2nd).

October 17, 2013:

ACTION: October 17, 2013:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-2122

STAFF RECOMMENDATION:

Staff recommends Neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. The conditional overlay would prohibit the following land uses: Communication service facilities, Community events, Congregate living, Counseling services, Guidance services, (both limited and general), Residential treatment, Safety services, Adult oriented business, Alternative financial services, Medical offices exceeding 5,000 sq ft, Off site accessory parking, and Service station. The Applicant and Neighborhood Contact Team support this recommendation.

The Applicant proposes a restaurant on the subject tract, which is permitted in LR zoning. While there are tracts along Airport Boulevard with CS and GR zoning, those tracts are much larger and not immediately adjacent to residential properties. The subject tract is less than a half acres and is the entrance to a residential neighborhood, and residential land uses surround the property on two sides.

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

LR zoning allows transition between intense commercial corridors and residential areas, and will permit the proposed restaurant land use.

Zoning should allow for reasonable use of the property.

LR zoning will allow for commercial development of this property, which is appropriate due to its location on Airport Boulevard. SF-3 zoning and single family development is no longer suitable for the increasing intensity of this commercial corridor, effectively disallowing reasonable use.

Zoning changes should promote compatibility with adjacent and nearby uses.

LR zoning will allow low intensity commercial development between an area of high intensity commercial development and a residential neighborhood. This is an appropriate transition of land uses, and the commercial development will be required to comply with Compatibility standards adjacent to single family used or zoned properties to the north and east.

SITE PLAN

SP 1. This site will be subject to Subchapter E: Design Standards and Mixed Use. Additional Subchapter E requirements will be provided upon submittal of a site plan.

SP 2. This site is located adjacent to property zoned SF-5 or more restrictive, and will be subject to compatibility standards.

- A structure may not be constructed on the site less than 25 feet from the adjoining property zoned SF-3-NP to the north [Section 25-2-1063(B)].
- Building heights will be limited to two stories and 30 feet for structures within 50 feet of the SF-3-NP zoning property adjoining the site to the north, or three stories and 40 feet if the proposed structures are within 50 feet and 100 feet of the north property line [Section 25-2-1063(C)]. A building must have a front building line setback of at least 25 feet from a right-of-way if the tract on which the building is constructed adjoins property used or zoned SF-5 or more restrictive, and fronts on the same street as the adjoining property [Section 25-2-1064(1)(2)].
- A parking area or driveway may not be constructed 25 feet or less from a lot that is used or zoned SF-5 or more restrictive.

TRANSPORTATION

TR1: The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for Airport Blvd./SH-111. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of Airport Blvd. in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

TR2: If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Gunter Street in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

TR3. 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 300 vehicle trips per day over the existing land use unless access to Airport Blvd. is provided. [LDC, 25-6-117]

TR3. Airport Blvd./SH-111 is classified in the Bicycle Plan as Bike Route No. 39.

TR4. Capital Metro bus service (Routes No.135 and 350) is available along Airport Blvd.

TR5. There are existing sidewalks along Airport Blvd. and Gunter Street.

TR6. Existing Street Characteristics:

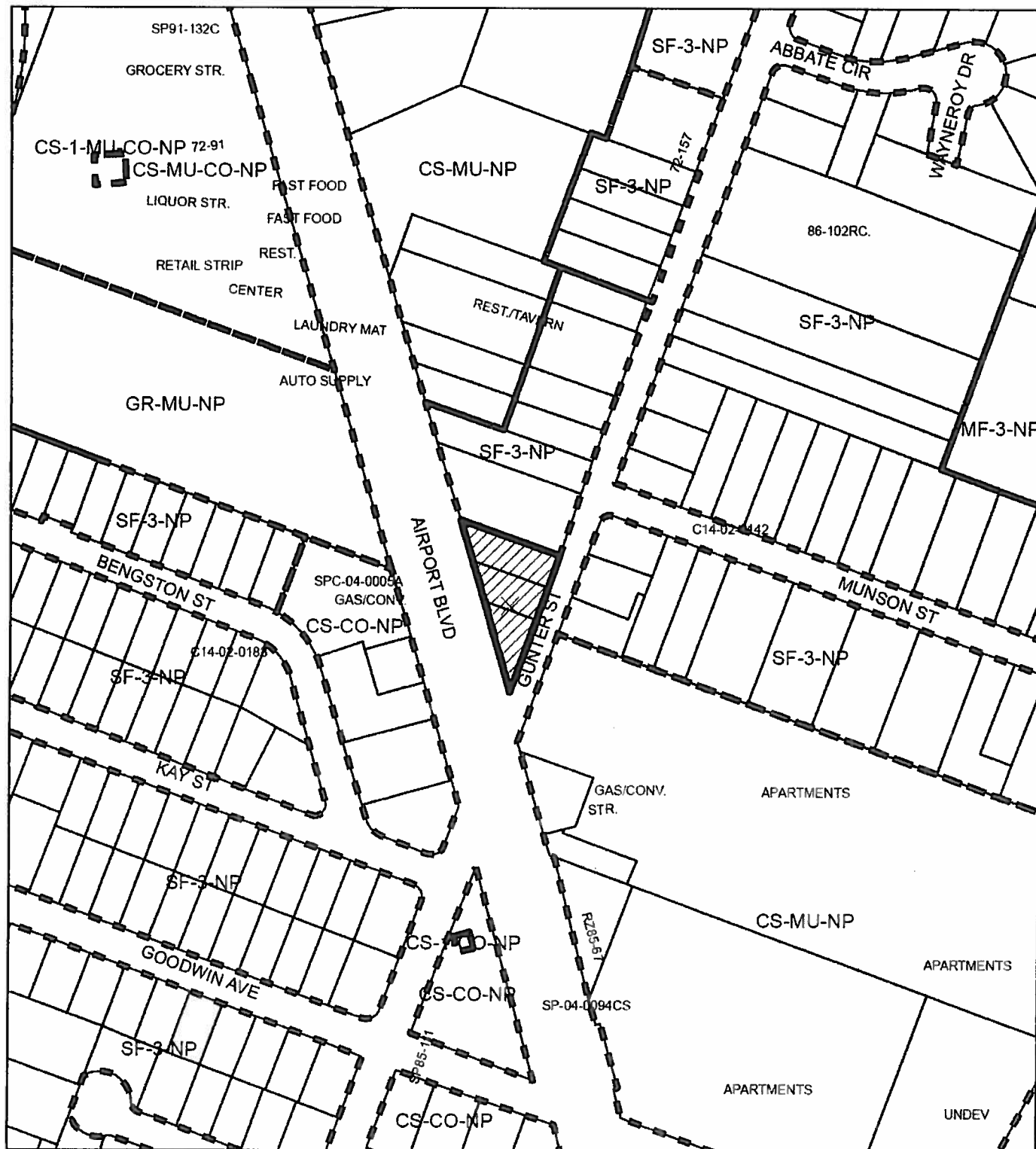
Name	ROW	Pavement	Classification	ADT
Airport Blvd./SH-111	120'	2 @ 36'	Major Arterial	36,035
Gunter Street	Varies	30'	Res. Collector	1,717




ENVIRONMENTAL

1. 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.
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

WW1. 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. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

ZONING

ZONING CASE#: C14-2013-0055

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.





To: City of Austin Planning Commission
Re: Case NPA-2013-0015.01, 1137 Airport Blvd
Date: August 1, 2013

Dear City of Austin Planning Commission,

The EMLK Combined Neighborhood Plan Contact Team is supportive of the FLUM Change from Single Family to Mixed Use and is also supportive of the zoning change from SF-3 to Commercial. We believe that increasing desirable businesses along this corridor is positive for the neighborhood. That being said, we are only supportive of these two changes provided that the following uses are prohibited:

Civic Uses

Communication Service Facilities
Community Events
Congregate Living
Counseling Services
Guidance Services
Hospital Services (both Limited and General)
Local Utility Services
Maintenance and Service Facilities
Residential Treatment
Safety Services
Transitional Housing
Transportation Terminal

Commercial uses

Adult Oriented Business
Agricultural Sales and Services
Automotive Rentals
Automotive Repair services

Automotive sales
Automotive Washing of any type
Bail Bond Services
Building Maintenance Services
Commercial Blood Plasma Center
Commercial Off Street Parking
Convenience Storage
Drop off Recycling Collection Facilities
Equipment Repair Services
Equipment sales
Exterminating Services
Financial Services (unless we wrote a restrictive covenant to prohibit loans)
Kennels
Medical offices exceeding 5000 sq ft
Off site accessory parking
Pawn Shop Services
Service Station
Vehicle Storage

It is our understanding that the owner of the property, Ron Meyeres, in is agreement with prohibiting the aforementioned uses. Please contact us if you have any questions or concerns.

Respectfully submitted,

Joy Casnovsky, East MLK Combined Neighborhood Contact Team Chair
512.589.1090
soyjoyc@gmail.com



MEMORANDUM

TO: Mayor and Council

FROM: Greg Guernsey, Director
Planning and Development Review Department

DATE: September 26, 2013

RE: **Airport Café**
C14-2013-0055 and NPA-2013-0015.01
Postponement Request by Staff

Staff is requesting a postponement of the above-referenced rezoning and neighborhood plan amendment (NPA) from September 26, 2013, to October 17, 2013. This request is needed to resolve addressing and notification issues.

Greg Guernsey, Director
Planning and Development Review Department

x. Marc A. Ott, City Manager
Sue Edwards, Assistant City Manager