SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2014-0045 – El Chilito Restaurant

REQUEST:

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4501 and 4503 Manchaca Road (Williamson Creek Watershed) from limited office-vertical mixed use building (LO-V) combining district zoning to neighborhood commercial-vertical mixed use building (LR-V) combining district zoning, with conditions. The Restrictive Covenant is for the conditions of the Neighborhood Traffic Analysis.

DEPARTMENT COMMENTS:

Staff requests that Council add a Conditional Overlay (CO) to capture the 2,000 daily vehicle trip limit as recommended by the Planning Commission. The restrictive covenant is consistent with City Council action taken on First Reading.

OWNERS: Swenson Family Trust (Deborah S. Hamilton; Thomas E. Swenson, Jr.)

<u>APPLICANT</u>: El Chile Restaurant Group (Carlos Rivero)

AGENT: Alice Glasco Consulting (Alice Glasco)

<u>DATE OF FIRST READING</u>: August 7, 2014, Approved LR-V district zoning, with conditions, on First Reading (7-0).

CITY COUNCIL HEARING DATE: August 28, 2014

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades e-mail: wendy.rhoades@austintexas.gov

ZONING CHANGE REVIEW SHEET

<u>CASE</u>: C14-2014-0045 – El Chilito Restaurant <u>P.C. DATE</u>: June 24, 2014

ADDRESS: 4501 and 4503 Manchaca Road

OWNER: Swenson Family Trust **APPLICANT**: El Chile Restaurant Group

(Deborah S. Hamilton; Thomas E. Swenson) (Carlos Rivero)

AGENT: Alice Glasco Consulting (Alice Glasco)

ZONING FROM: LO-V **TO:** LR-V **TOTAL AREA:** 0.44 acres

(19,166 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood commercial – vertical mixed use building – conditional overlay (LR-V-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

If the requested zoning is recommended for this site, then Staff recommends a Restrictive Covenant for the Neighborhood Traffic Analysis memorandum, dated May 20, 2014, as provided in Attachment A.

PLANNING COMMISSION RECOMMENDATION:

June 24, 2014: APPROVED LR-V-CO DISTRICT ZONING, WITH A RESTRICTIVE COVENANT FOR THE NEIGHBORHOOD TRAFFIC ANALYSIS, AS STAFF RECOMMENDED, BY CONSENT

[R. HATFIELD; B. ROARK – 2ND] (5-0) J. NORTEY, S. OLIVER, J. STEVENS – ABSENT; I VACANCY ON THE COMMISSION

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject portions of two platted lots contain a 1,440 square foot vacant child care facility and surrounding parking area (23 spaces) that has limited office – vertical mixed use building (LO-V) zoning. Access is taken to both Manchaca Road and Redd Street, a signalized intersection. There is a service station with food sales use across Redd Street to the north (LR-V), single family residences to the east that front on Merle Drive (SF-3), and a religious assembly use and offices to the south (LO). The west side of Manchaca Road includes two churches and an AISD elementary school (LO; SF-3; LO-MU-CO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone the property to the neighborhood commercial – vertical mixed use building (LR-V) combining district zoning as the first step in converting the property to a restaurant use. Driveway access is proposed to be taken from both Manchaca Road and Redd Street.

Restaurant (general) and (limited) uses are first allowed in the neighborhood commercial (LR) zoning district. The restaurant (general) use is limited to 4,000 square feet of gross floor area, and has limited hours of operation and outdoor seating area, prohibits outdoor entertainment as an accessory use, as well as outdoor amplified sound and drive-through facilities [LDC Section 25-2-587(D)]. The restaurant (limited use) excludes the sale of alcoholic beverages for on-premises consumption.

Staff recommends the Applicant's request based on the following consideration of the property: location at a signalized arterial and a collector street intersection, and a restaurant use would be available to serve residents of the adjacent subdivisions, as well as capture "pass by" traffic from the nearby residential developments. In addition, the property is identified as a "Neighborhood Node" on the Draft Character Districts map for the South Austin Combined Neighborhood Plan Area. A Neighborhood Node is envisioned for neighborhood-serving businesses and places to gather such as restaurants, shops, offices and multi-family housing. The Conditional Overlay calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-V	Vacant child care facility
North	LR-V	Service station with food sales; Medical office
South	LO	Church; Offices
East	SF-3	Single family residences
West	SF-3; LO-MU-CO; LO	AISD Elementary School; Churches

NEIGHBORHOOD PLANNING AREA: South Austin Combined (South Manchaca)

NTA: Is required - Please refer to Attachment A

WATERSHED: Williamson Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: N/A **SCENIC/HILL COUNTRY ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association 511 – Austin Neighborhoods Council

627 - Onion Creek Homeowners Association 742 - Austin Independent School District

943 – Save Our Springs Alliance 950 – Southwood Neighborhood Association

1037 – Homeless Neighborhood Association 1075 – Bike Austin

1108 - Perry Grid 644

1200 - Super Duper Neighborhood Objectors and Appealers Organization

1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group

1236 - The Real Estate Council of Austin, Inc.

1292 - Western Trails Neighborhood Association

1340 – Austin Heritage Tree Foundation 1363 – SEL Texas

1424 – Preservation Austin 1429 – Go!Austin/Vamos!Austin (GAVA)-78745

1447 - Friends of the Emma Barrientos MACC

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0077 -	SF-3 to LO-MU-	To Grant LO-MU-CO	Apvd LO-MU-CO
Woodlawn 4	CO	w/CO limiting	with Restrictive
4600 Manchaca		development to	Covenant as
Road		religious assembly and	Commission rec.,
		SF-2 uses, and 2,000	(08-26-2010).
P ¹		daily trips; RC for the	
	,	Neighborhood Traffic	
		Analysis	
C14-05-0087 -	SF-3 to LO	To Grant LO-CO with	Apvd LO-CO as
4611 Manchaca	;	the CO for 35%	Commission rec., (8-4-
Road	T _A	building coverage; 60%	2005).
		impervious cover;	
		35'and 2 story height	
	=	limit; FAR of 0.11 to 1;	
		300 trips per day; and	
		prohibit college and	
		university facilities,	
		convalescent services,	
		cultural services,	
		hospital services (ltd),	
		communication	
	**	services, and medical	
		offices greater than	
		5,000 square feet	
C14-04-0152 –	SF-3 to LO	Granted as requested	Apvd LO-CO with the
4607 Manchaca	148		CO limiting the F.A.R.
Road	ļ		to the existing building
			square footage;
	}		medical offices as the
	i		only LO use and all
			NO, Neighborhood
			Office uses; all NO
			development standards

and 300 vehicle trips
(1-13-2005).

RELATED CASES:

The subject property is within the boundaries of the South Manchaca Neighborhood Planning Area Rezonings (C14-2014-0018). No base district zoning changes are proposed, and the scope of this zoning change is proposed to add a-NP combining district, as well as design tools & special use infill options, restricted parking and restricted mobile food vending.

The –V, vertical mixed use building combining district was appended to the rezoning area (Tract 7) on December 13, 2007 (C14-2007-0216 – South Manchaca Vertical Mixed Use (VMU) Zoning). Development which complies with the –V district is eligible to receive the following bonuses: dimensional standards, parking reductions and additional uses in office districts. Ten percent of residential units available for rental shall be reserved for households earning no more than 60 percent of the Annual Median Family Income.

The property was rezoned to the "O, Office, First Height and Area district (converted to LO zoning in 1984) in May 1973 (C14-72-283 – Fred J. Quist, et al). The rezoning consists of portions of Lots 5 and 6 of the Ford Place, Number One plat recorded in June 1949 (C8-1946-1766 – Ford Place No. 1). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Manchaca Road	53 feet	55 feet-	Major Arterial	Yes	Yes	Yes
Redd Street	50 feet	40 feet	City Collector	Yes	No	No

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Manchaca Rd.

CITY COUNCIL DATE: August 7, 2014

ACTION: Approved LR-V district zoning with a Restrictive Covenant for the conditions of the Neighborhood Traffic Analysis, on First Reading (7-0).

August 28, 2014

ORDINANCE READINGS: 1st August 7, 2014

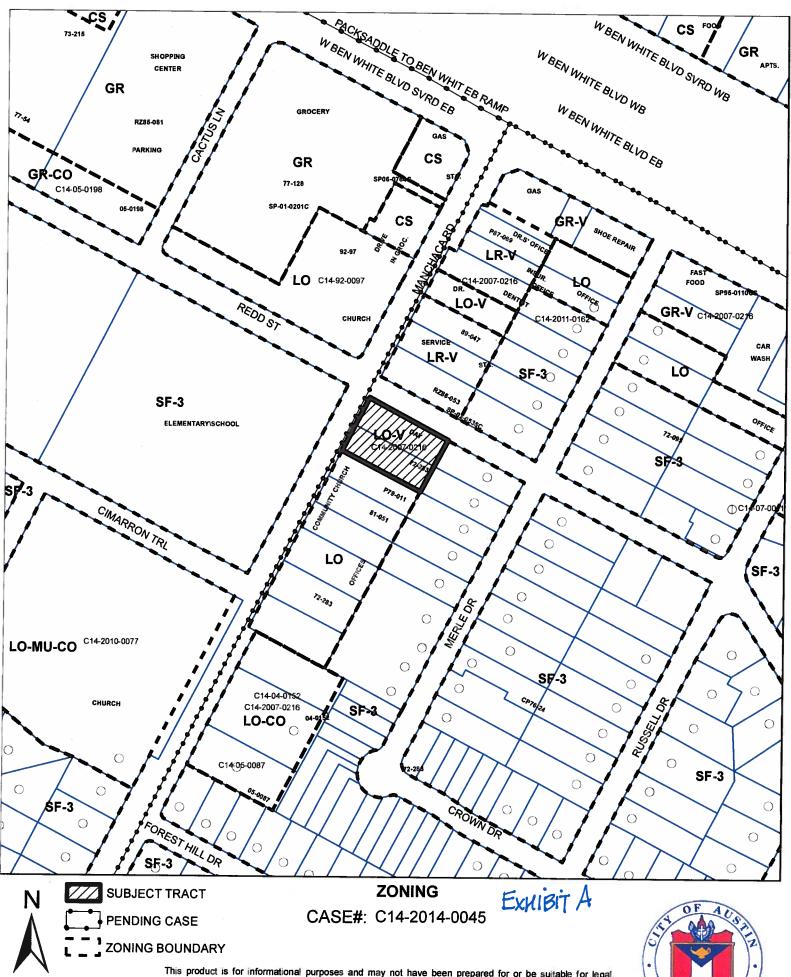
2nd

3rd

ORDINANCE NUMBER:

<u>CASE MANAGER</u>: Wendy Rhoades e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



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.

1 " = 200 '

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.

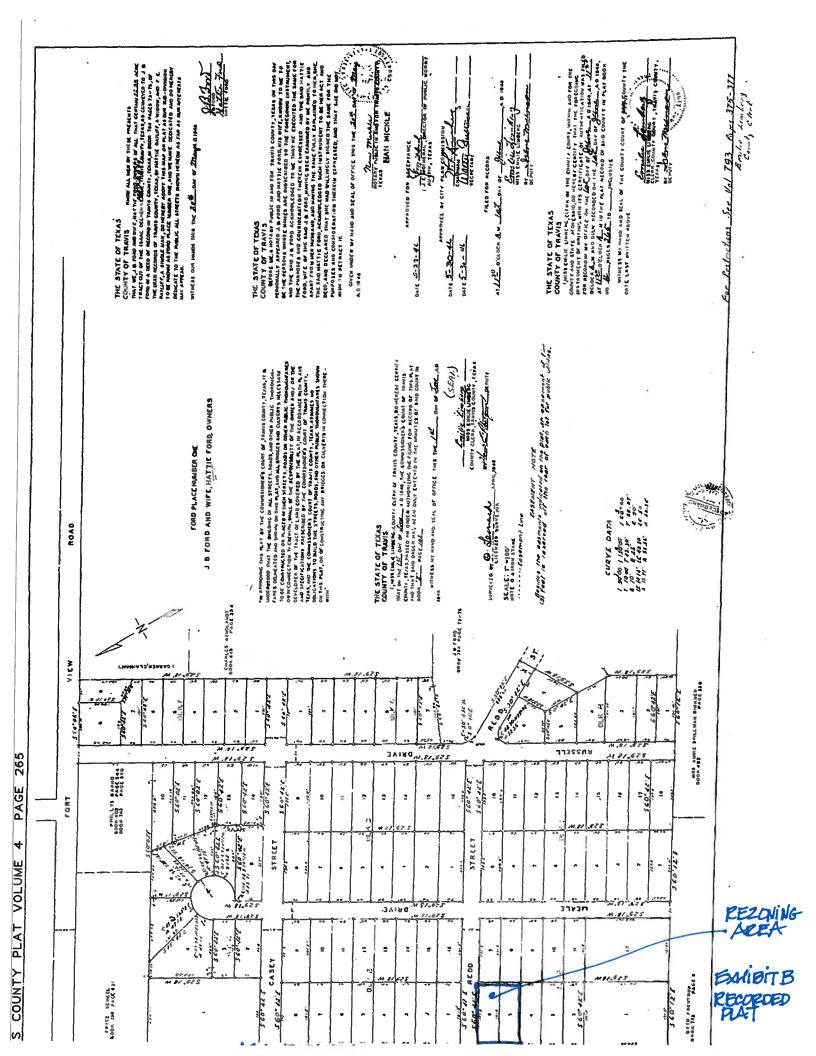
OUNDED

C14-2014-0045 / El Chilito Restaurant



Exhibit A - 1 **Aerial & Zoning**

1 inch = 100 feet





MEMORANDUM

TO:

Wendy Rhoades, Case Manager

CC:

Alice Glasco (Applicant)

DATE:

May 20, 2014

SUBJECT:

Neighborhood Traffic Analysis for Zoning Case # C14-2014-0045

The Transportation Review has performed a neighborhood traffic impact analysis for the above referenced case and offers the comments below. 4501 Manchaca is located in south Austin just south of Hwy 71 and about .5 mile southeast of S. Lamar. The .45 acre tract which is currently zoned Limited Office is requesting a zoning change to Limited Restaurant (LR-V). The tract will have vehicular access from two existing streets — Manchaca Rd (major arterial on the west) and Redd Street (on the north). Surrounding the tract to the west and east is SF-3 zoning and to the north and south is LR and LO zoning, respectively.

<u>ROADWAYS</u>

The table below provides the street characteristics for the roadways that the proposed project will be accessing.

Name	ROW	Pavement Classification	
Redd Street	50'	40'	City Collector

Trip Generation and Traffic Analysis

Based on the ITE's publication Trip Generation, the proposed development at the time of site plan may generate a maximum up to 2,338 vehicles per day (vpd). This trip generation is based on the assumption that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The applicant, however, is agreeing to a conditional overlay (CO) of 2,000 vehicle trip and the following traffic estimations are based upon this CO.



Land Use	Acres	Trips Per Day
LR-V	.445	2,000 (per CO)

Trip Distribution and Assignment

Distribution of trips was estimated as follows:

Street	Site Traffic
Manchaca Rd.	75%
Redd St.	25%

Below is a table containing the estimated number of trips that will affect each street:

Street	Existing Traffic	Site Traffic (vpd)	Total Traffic after Project
Redd St.	3,226	500	3,726

Desirable Operating Level

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows:

Street	Site Traffic	
Less than 30 feet	1,200	
30 feet to 40 feet	1,800	
40 feet or wider	4,000	

CONCLUSIONS

- 1) The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.
- 2) In order to minimize traffic on surrounding streets, the intensity and uses for this rezoning should be limited to less than 2,000 unadjusted vehicle trips per day.

Bryan Golden

Planner, Transportation Review, PDRD

C14-2014-0045 Page 6

STAFF RECOMMENDATION

The Staff's recommendation is to grant neighborhood commercial – vertical mixed use building – conditional overlay (LR-V-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

If the requested zoning is recommended for this site, then Staff recommends a Restrictive Covenant for the Neighborhood Traffic Analysis memorandum, dated May 20, 2014, as provided in Attachment A.

BASIS FOR RECOMMENDATION

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

The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment." The vertical mixed use building (V) determination will encourage mixed uses on the site by implementing VMU standards and encouraging a diversification of land uses.

2. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

Staff recommends the Applicant's request based on the following consideration of the property: location at a signalized arterial and a collector street intersection, and a restaurant use would be available to serve residents of the adjacent subdivisions, as well as capture "pass by" traffic from the nearby residential developments. In addition, the property is identified as a "Neighborhood Node" on the Draft Character Districts map for the South Austin Combined Neighborhood Plan Area. A Neighborhood Node is envisioned for neighborhood-serving businesses and places to gather such as restaurants, shops, offices and multi-family housing. The Conditional Overlay calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS

Site Characteristics

The site consists of a vacant child care facility, and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the LR-CO zoning district would be 80%, which is a consistent figure between the zoning and watershed regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Gross Site Area	% of Gross Site Area with Transfers
Single-Family	50%	60%
(minimum lot size 5750 sq. ft.)		
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

Numerous 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 512-974-1876. 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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 86 feet of right-of-way for Manchaca Road. If the requested zoning is granted, then 43 feet of right-of-way should be dedicated and 43 feet of right-of-way reserved from the existing centerline of Manchaca Rd. in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

FYI: Additional right-of-way will be required at the time of subdivision and/or site plan.

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]

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. [LDC, Sec. 25-6-114]. Results are provided in Attachment A.

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].

Water and Wastewater

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 and suitability for operation and maintenance. 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.

Compatibility Standards

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 east and west property lines, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along the property line. 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.

This site is within the South Manchaca Neighborhood Plan, which is within the South Austin Combined Neighborhood Planning Area. This plan is currently under review.

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.austintexas.gov

Of am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your ☐ I object Public Hearing: June 24, 2014, Planning Commission If you use this form to comment, it may be returned to: August 7, 2014, City Council Contact: Wendy Rhoades, 512-974-7719 Planning & Development Review Department Your address (es) affected by this application Case Number: C14-2014-0045 Daytime Telephone: 5/2-Signature POULLER (please print) Austin, TX 78767-8810 isted on the notice. 200 Wendy Rhoades City of Austin P. O. Box 1088 Comments:

INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rézonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación *MU-* Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación *MU-* Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Si usted usa esta forma para proveer comentarios, puede retornarlos:

Planning & Development Review Department

City of Austin

Wendy Rhoades P. O. Box 1088 Austin, TX 78767-8810

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la *Internet*:

www.austintexas.gov

15/2014 TI am in favor pública. Sus comentarios deben incluir el nombre de la comisión, la persona designada en la noticia oficial) antes o durante la audiencia \$P ☐ I object Comentarios escritos deberán ser sometidos a la comisión (o a la fecha de la audiencia pública, y el número de caso de la persona Audiencia Publica: Jun 24, 2014, Planning Commission Persona designada: Wendy Rhoades, 512-974-7719 PRESIDENTY SOUTHWOOD NA Daytime Telephone: 5/2 447 - 31/5Su domicilio(s) afectado(s) por esta solicitud Aug 7, 2014, City Council PHYLLIS JOAN OWENS ben Arous Numero de caso: C14-2014-0045 Su nŏmbre (en letra de molde) designada en la noticia oficial. Firma remound Comments:_

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www.austintexas.gov

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: C14-2014-0045
Public Hearing: June 24, 2014, Planning Commission
Withhole Halita
Your Name (please print) **No V No V State Stat
Your address(es) affected by this application
6 18
Daytime Telephone: 512-789-1968
Comments: AM IN Pavor of the regione.
If you use this form to comment, it may be returned to:
Planning & Development Review Department Wendy Rhoades P. O. Box 1088
Austin, TX 78767-8810

Rhoades, Wendy

From:

Chris Ewen

Sent:

Wednesday, July 02, 2014 7:19 PM

To:

Rhoades, Wendy

Subject:

C14-2014-0045 comments / El Chile

Wendy,

I hope you're well; please find my enclosed support for El Chile. Thanks,

 \mathbf{C}

Chris Ewen (512)633-5635