ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0150 / Whiddon 85

P.C. DATE: December 9, 2014
November 12, 2014, October 28, 2014,
October 14, 2014

ADDRESS: 4102 & 4200 Manchaca Road

AREA: 0.85 acres (37,026 square feet)

NEIGHBORHOOD PLAN AREA: South Lamar Neighborhood
(South Lamar Combined Neighborhood Planning Area)

OWNER: Mitchell Whiddon

APPLICANT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: SF-3 and LO-MU; Family Residence district zoning and Limited Office-Mixed Use combining district zoning

ZONING TO: GR-MU, Community Commercial-Mixed Use combining district zoning

SUMMARY STAFF RECOMMENDATION:
Staff supports an alternate recommendation of LR-MU with conditions. These conditions include the provision of a right-turn only, exit only access design from the property to Gathright Cove, and that if additional access is desired to Manchaca, that a joint access driveway be utilized. (These conditions would likely be included in a public restrictive covenant).

PLANNING COMMISSION RECOMMENDATION:

November 12, 2014	Postponed to November 12, 2014 at the Request of the Applicant (Consent Motion: R. Hatfield; Second: B. Roark) 8-0 (Absent: L. Verghese).
October 28, 2014	Postponed to November 12, 2014 at the Request of Staff (Consent Motion: J. Stevens; Second: A. Hernandez) 8-0 (Absent: B. Roark).
October 14, 2014	Pulled without Action and Re-Noticed for October 28, 2014

DEPARTMENT COMMENTS:
The subject tract is located approximately 400 feet north of the Manchaca Road and Ben White intersection. It is abutting single-family residential on one side, fronts on an arterial corridor with office zoned tracts to the north, and commercially zoned tracts to south (see Exhibits A). The subject tract includes an LO-MU tract that was rezoned to such in December 2012, and one of the remaining eleven SF-3 zoned properties on Manchaca Road between South Lamar Boulevard and Ben White.

Commercial properties to the south include a restaurant (recently granted CS-1-CO zoning for a footprint of the site), tire shop, and iconic local hamburger establishment; a convenience store and high-turnover restaurants complete the Ben White intersection on the east side of Manchaca. Office-zoned properties to the north are a mix of houses converted to offices, what appear to be single-family residences, townhomes, and living facilities operated by Austin/Travis County MHMR.

This request for rezoning is driven by the stated desire to repurpose and reuse the northern, SF-3 portion, of the tract as a general restaurant. The office uses on the LO-MU portion of the property would remain.

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle	Bus Service	Sidewalks
Manchaca Road	83 feet	43 feet	Arterial	Yes	Yes	Yes
Gathright Cove			Local Street	No	No	No

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-MU; SF-3	Office; Single-family residential
North	LO; LO-CO; SF-3	Office uses; Single-family residential along Gathright Cove
East	CS; LO; SF-3; LO	Convenience Store; Office; Single-family residential; Office; Townhomes
South	LR-MU-CO with CS-1-CO footprint; CS-1; CS	Restaurant with CS-1 footprint; Auto (Tire) Shop; Restaurant
West	SF-3	Single-family residential

SCHOOLS:
Austin Independent School District
Joslin Elementary School Covington Middle School Crockett High School

TIA: Not Required
WATERSHED: West Bouldin Creek **DESIRED DEVELOPMENT ZONE:** Yes
CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME	COMMUNITY REGISTRY ID
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
South Lamar Neighborhood Association	926
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Bike Austin	1075
Perry Grid 614	1107
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224

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Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Wildflower Church	1423
Preservation Austin	1424
GO!Austin/Vamos!Austin (GAVA)	1429
Friends of the Emma Barrientos MACC	1447

ZONING CASE HISTORIES FOR THIS TRACT:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
4200 Manchaca C14-2012-0117	SF-3 to LO-MU	November 13, 2012	Approved 12/06/2012

At the time of the 2012 rezoning, the then-owner of the property had no specific end user or proposed use in mind that was driving the zoning request. Rather, it was a proactive request to rezone the property to office-mixed use. Subsequent to the approval of the case, the existing structure has been, and continues to be used for, professional offices.

ZONING CASE HISTORIES IN THE AREA:

This portion of Manchaca Road is a mixture of retail, commercial, and residential. Yet, with the exception of three tracts between Prather Lane and Ben White, the majority of the area has not seen rezoning since the Seventies and Eighties, the very recent CS-1-CO footprint case (C14-2014-0103) notwithstanding.

Recent rezonings include four family-residential to office cases: two along Bert Avenue dating to 2003 and 2007; one near Manchaca and Prather in 2013; and one at the end of Fort View, approved in 2012. The last area rezoning case, for the property immediately to the south of the subject tract was that tract's third rezoning. It was rezoned from "A" residence to "LR" local retail in 1972, from LR and SF-3 to LR-MU-CO in 2006, and most recently with a footprint for CS-1-CO as a precursor to requesting a conditional use permit for a cocktail lounge use.

While the existing commercial along Ben White Boulevard and Manchaca has been there for decades, a quick review of the case histories below shows that most rezonings in the past thirty-plus years have been from residential to office.

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
West of Manchaca Road (north to south)			
3906 Manchaca Road C14-2013-0067	SF-3 to LO	Recommended LO-MU 08/13/2013	Approved LO-NU 08/22/2013
4000 Manchaca C14-86-012	SF-3 to NO	Recommended LO-CO w/Conditions; 03/04/1986	Approved LO-CO w/RC; 07/17/1986
2007 Bert C14-03-0070	SF-3 to LO	Recommended LO-CO; 05/20/2003	Approved LO-CO; 07/17/2003

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2004-2006 Bert C14-2007-0192	SF-3 to LO	Recommended; 10/13/2007	Approved LO-CO; 01/10/2008
4016 Manchaca C14-98-0059	SF-3 to LO	Recommended LO-CO; 06/09/1998	Approved LO-CO; 08/27/1998
4020,4022,4100 Manchaca C14-84-160	SF-3 to LO	Recommended	Approved 05/23/1985 w/ Street Deed
4204 Manchaca C14-72-099	"A" Residence to "LR" Local Retail		Approved 06/08/1972
4204 & 4208 Manchaca C14-06-0115	LR & SF-3 to (LR-MU-CO)	Recommended LR-MU-CO; 06/27/2006	Approved LR-MU-CO; 09/28/2006 (CO limits to 2000 vtd)
4204 Manchaca Road and 2008 Fort View Road C14-2014-0103	LR-MU-CO to CS-1 (footprint)	Recommended with conditions; 08/23/2014	Approved; 10/16/2014 (CO limits to GR site standards and uses)
4300 Manchaca & 2001-2005 Fort View C14-74-122	"C" 6th H&A to C-1 6th H&A		Approved 10/31/1974
4302-4304 Manchaca & 2004-2012 Ivy Trail C14-72-222	"C" 6th H&A to "C-2" 6th H&A	Recommended, Limited use of C-2 to package store only	Approved as PC Recommended; 11/16/1972
Fort View and Ben White			
2009-2011 Fort View C14-98-0078	SF-3 to CS	Recommended LR-CO; 07/21/1998	Approved NO w/Conditions 1st Reading; Indefinite Postponement on 2nd/3rd; Expired
2111 Fort View C14-2012-0145	SF3-to LO	Recommended NO-MU-CO	Approved NO-MU-CO 04/11/2013
2028 W Ben White C14-2007-0051	SF-3 to LO-MU	Recommended; 06/12/2007	Approved; 07/26/2007
2012 W Ben White C14-2008-0096	SF-3 to LO-MU	Recommended; 06/10/2008	Approved; 07/24/2008
2104 W Ben White C14-2012-0049	SF-3 to LR	Recommended LR; 07/24/2012	Approved LR; 12/13/2012
2110 W Ben White C14-2008-0185	SF-3 to LO	Recommended LO-CO; 06/10/2008	Approved LO-CO; 11/20/2008
East of Manchaca (north to south)			
4007-4011 Manchaca C14-71-252	"A" 1st H&A to "O" 1st H&A		Approved 06/01/1972
4015 Manchaca C14-75-049	"A" Residence to "O" Office		Approved; 06/26/1976
4017-4021 Manchaca & 4016-4020 Valley View	"A" 1st H&A to "O" 1st H&A	Recommended w/conditions	Approved w/conditions 05/31/1973

C14-72-234			
4023 Manchaca C14-85-009	SF-3 to LO		Approved; 10/02/1985
4025 Manchaca C14-80-221	Interim "A" 1st H&A to "O-1" 1st H&A		Approved; 02/26/1981
4103 Manchaca C14-84-356	SF-4 to "O-1"	Recommended "O-1" 1st H&A; 12/04/1984	Approved LO w/RC & Street Deed; 09/19/1985
1900-1904 Fort View C14-70-017	"LR" 1st H&A to "C" 1st H&A		Approved; 04/16/1970

CITY COUNCIL DATE: Scheduled for consideration November 20, 2014

CITY COUNCIL ACTION:
ORDINANCE READINGS: 1st 2nd 3rd
ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman **PHONE:** 512-974-7604
e-mail address: lee.heckman@austintexas.gov

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SUMMARY STAFF RECOMMENDATION

Staff supports an alternate recommendation of LR-MU with conditions. These conditions include the provision of a right-turn only, exit only access design from the property to Gathright Cove, and that if additional access is desired to Manchaca, that a joint access driveway be utilized. (These conditions would likely be included in a public restrictive covenant).

BACKGROUND & PURPOSE STATEMENTS

The subject tract is designated with two zoning districts, SF-3 and LO-MU. The existing family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. This portion of the tract is approximately 0.45 acres, or 19,602 square feet.

The remaining 0.39 acres, or approximately 16,988 square feet, of the tract is limited office (LO) with Mixed Use (MU) combining district zoning, which is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Mixed use (MU) combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU allows for the development of all types of residential uses, including single-family residential, multifamily residential, and townhomes.

The requested GR-MU zoning covers for the entire .85 acres, and is for a rezoning to community commercial district zoning, with the MU combining district. Community commercial (GR) is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

Staff's alternate recommendation is a base of LR. Neighborhood commercial (LR) 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.

BASIS FOR RECOMMENDATION

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors

This site is uniquely located at the intersection of an arterial and a residential street that terminates one block west of Manchaca. Located two blocks north of Ben White Boulevard, it has existing CS-1 and CS to the south and CS to the east, along with LO and one SF-3 property. Variations of office zoning and uses stretch along both sides of Manchaca northward. This stretch of Manchaca to and from Ben White is heavily travelled. However, this site is located at the entrance to Gathright, which terminates a few hundred feet to the west. The impact of GR

uses at the entrance of this street may raise questions about compatibility with adjacent and nearby uses. Gathright Cove serves single-family properties only.

Comparisons to the recent zoning case at Fort View and Manchaca are inevitable. Yet, this intersection at Gathright - unlike Fort View to the south, is not a four-way intersection, and does not currently contain traffic signalization. Fort View continues east of Manchaca, and functions as a collector there. Here, Gathright is a basic local street a few hundred feet long.

While neighborhood commercial service uses might be a stretch for this intersection, staff has proposed conditions that would limit access to the tract. Specifically, if access is taken from Gathright, it would be an exit only, and it would be designed for right turn (eastbound) exists only. Staff is also recommending that any additional access to Manchaca be through means of a joint use driveway. Currently, both the LO-MU portion and the SF-3 portion have driveways to Manchaca. The northern driveway is close to Gathright, and this may need to be relocated at the site planning stage, supporting the feasibility and desirability of a joint access driveway.

The point is that this is not an intersection of arterials and major collectors typically associated with an unlimited GR zoning request. However, staff does think LR zoning and uses could work here, especially with the above conditions relating to access.

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

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

GR, as a zoning district, is a mid-level commercial zoning district that allows for a range of commercial uses that may be undesirable at this location. While GR may be completely appropriate along Manchaca, an arterial, this property is also located at the entrance to Gathright Cove, which serves 14 single-family lots. The request for GR, without any conditions or limitations, may result in detrimental impacts to this neighborhood in addition to the traffic concerns noted above. While compatibility requirements would be triggered by the adjacent and nearby residential properties, for both the applicant-requested GR and the staff-recommended LR, it is the difference in uses that give staff pause. While differences in site standards between the two are significant (e.g., 60 feet maximum height in GO versus 40 feet in LO), that difference is mooted by compatibility requirements. Similarly, the differences between the two districts in terms of impervious cover or building coverage, though significant in themselves, are not likely to impact the compatibility of the zoning with adjacent properties.

Rather, it is that GR allows uses that are inappropriate next to single-family residential. It isn't just the automotive-related uses (e.g., repair services, sales, and washing - all allowed in GR), but that this relatively small site (less than 1 acre) simply is not appropriate for large-category medical offices or other uses that would likely be considered incompatible by residents.

While it is true that there is CS across Manchaca and CS and CS-1 to the south – including a footprint on the immediately adjacent parcel, unrestricted GR zoning does not seem to promote a transition along this side of Manchaca. The majority of the tract to the south with the freshly-minted CS-1-CO footprint remains LR-MU. Further, that footprint was conditioned to GR standards and uses, with the exception of the CS-1's cocktail use lounge. While there is office to the north, staff is of the opinion LR is a more appropriate transition between the existing LR-

MU/CS-1 property immediately to the south and the LO uses to the north. For this reason, staff supports LR rather than unlimited GR as requested.

It should be noted the request is driven by the applicant's and owner's stated desire to repurpose and reuse the existing house on the SF-3 portion of the property as a general restaurant. The primary distinction between a general restaurant and a limited restaurant is that a general one is permitted to serve alcohol. There are some differences between LR and GR as relates to operation of a general restaurant.

Within an LR base district, the following standards apply for a general restaurant:

1) The gross indoor floor area may not exceed 4,000 square feet;
2) A restaurant use may operate only after 7:00 a.m. and before 11:00 p.m.
3) An outdoor seating area may not:
   (a) exceed 500 square feet of area; or
   (b) be located within 50 feet of property with a single-family use or property zoned as a townhouse and condominium residence (SF-6) or more restrictive district.
(4) Outdoor entertainment as an accessory use is prohibited.
(5) Outdoor amplified sound is prohibited.
(6) A drive-through facility is prohibited.

Operation of a general restaurant in a GR zoning district would not face these same limitations. While staff may be sympathetic to, or even supportive of, a general restaurant use at this location, that is not the request presented, which was for unlimited GR with MU combining district zoning. Staff cannot support the unlimited GR request.

Granting a request for zoning should result in an equal treatment of similarly situated properties; and

Zoning should allow for a reasonable use of the property.

These principles may seem incongruous, but in this case there is a connection. An argument can be made that this property should be rezoned GR because the property immediately abutting it to the south was recently rezoned CS-1-CO, as a step towards a conditional use permit for a cocktail lounge. Both properties are at the intersection of Manchaca and a dead-end street that serves residential uses. They should be treated similarly.

However, staff thinks they are not necessarily similarly situated. This grant of CS-1 to the south was for a footprint, and conditioned to GR uses and standards (with the exception of cocktail lounge as a conditional use). The remainder of the property, which is also the majority of the property, remains LR-MU and has its own set of conditions. Likewise, whereas the Fort View intersection is a 4-way intersection with traffic signalization and has a number of commercial uses along it, the intersection of Gathright is a 3-way intersection with no traffic controls…other than a stop sign on Gathright. Given these differences, staff does not see these properties as identical, despite some similarities.

Staff can support LR at this corner, but not the more intense and unlimited GR as requested. Given that the stated desire is to use the northern portion of the property as a general restaurant (and continue using the office portion for office purposes), staff thinks LR zoning, even with its limits to general restaurant use, still allows for a reasonable use of the property.

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The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP), identifies this general area as an Activity Center for Redevelopment in Sensitive Environmental Areas (extending eastward from South Lamar Boulevard at Ben White); though the area is labeled a sensitive area, this specific property is not over the Edwards Aquifer.

A neighborhood gathering spot such as a general restaurant, is aligned with the compact, connected, and complete neighborhood goals of the IACP. At the same time, protecting neighborhood character is also cited, and one cannot overlook the fact this property is located at the entrance to a residential street. Indeed, it is such protection of the neighborhood on Gathright Cove that requires staff to recommend LR-MU, with the conditions specified, rather than support the request for unlimited, unconditioned GR base zoning.

Although not discussed above, staff is recommending the addition of MU, mixed-use. This would allow infill residential as an option for the property. While staff has no knowledge of any desire on the part of the owner to further develop the property with residential or commercial-residential mixed use, this would be appropriate along Manchaca at this location, and would be in keeping with the goals of the IACP.

There is a significant difference between LR and GR in terms of residential development under an MU combining district; per code allowances for FAR and site-unit square feet requirements, GR-MU would result in significantly more units. However, given the small size of this site, the actual difference in the number or type of units constructible is likely insignificant.

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EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

The site, located at the northeast corner of Manchaca Road and Gathright Cove, contains two single-family structures, one of which is used as a residence, and one which – after zoned LO-MU at the end of 2012 – is used as professional offices. There are no known environmental characteristics that would unduly constrain redevelopment of the site; there are a number of trees, especially on the northern SF-3 zoned portion of the site, but it is unknown to what extent, if any, these are considered protected or would be impacted by future redevelopment. Though the site is identified as an Activity Center for Redevelopment in Sensitive Environmental Areas per the Imagine Austin Growth Concept Map, the site is not over the Edwards Aquifer Recharge Zone.

PDRD Comprehensive Planning Review (KF) (2014-09-03)

LO-MU & SF-3 to GR-MU

This zoning case is located on the southwest corner of Manchaca Road and Gathright Cove on a .85 acre parcel that contains a single family house and a house for office uses. This property is located within the boundaries of the South Lamar Neighborhood Planning area, which does not have an adopted neighborhood plan. Surrounding land uses includes an office in a converted house to the north and south, an office and a house to the east, and single family houses to the west. The proposed use is a restaurant/office.

Imagine Austin

The property is located within the boundaries of an '**Activity Centers for Redevelopment in Sensitive Environmental Areas'** as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. These centers are located on already developed areas and, in some instances, **provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods**. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

The following Imagine Austin policies are relevant to this case:

Environmental Policies

- **CE P2**. Conserve Austin's natural resources systems by limiting development in sensitive environmental areas, including the Edwards Aquifer, its contributing and recharge zones, and endangered species habitat.

- **LUT P21**. Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.

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Complete Community Policies

- **LUT P3.** Promote development in compact centers, communities, or **along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors and infill sites**. Recognize that different neighborhoods have different characteristics and new and **infill development should be sensitive to the predominant character of these communities**.

- **N P1.** Create complete neighborhoods across Austin that have a **mix of** housing types and **land uses**, affordable housing and transportation options, and access to schools, **retail,** employment, community services, and parks and recreation options.

Based on this property being: (1) adjacent or near to other office and commercial uses along the Manchaca Road, a busy corridor; and (2) the Imagine Austin policies referenced above, which encourages infill development along corridors, including retail and neighborhood serving uses, staff believes that the proposed restaurant/office is supported by the Imagine Austin Comprehensive Plan as long as environmental ordinances are considered and enforced.

PDRD Environmental Review (MM) (2014-09-23)

Tuesday, September 23, 2014

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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. Zoning district impervious cover limits apply in the Urban Watershed classification.

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

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

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 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.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDRD Site Plan Review (CC) (2014-09-25)

SP1. Any new development is subject to Subchapter E. Commercial Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

PDRD Transportation Review (BG) (2014-09-22)

1. If the requested zoning is granted, it is recommended that access to Gathright Cove be prohibited as a condition of zoning because Gathright is a local, no outlet street with single family housing.

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

3. If the requested zoning is granted, it is recommended that joint access be provided for the lots along Manchaca Road.

4. A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Traffic counts may be required. Results will be provided in a separate memo. LDC, Sec. 25-6-114. If access to Gathright Cove is prohibited, a NTA may be waived.

5. 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: Gathright Cove.

6. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Manchaca Road.

7. 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]

8. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Gathright Cove	50'	30'	Local	No	No	Yes
Manchaca Road	83'	44'	Arterial	Yes	Yes	Yes

PDRD Austin Water Utility Review (NK) (2014-09-08)

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, water or wastewater easements, utility relocations and or

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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.

ZONING

ZONING CASE#: C14-2014-0150

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

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.

Exhibit A - Zoning Map

C14-2014-0150/ Whiddon .85

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Aerial: 2012-01

Exhibit A-1
Aerial & Zoning

Feet
0 100 200 400
1 inch = 200 feet
N

C14-2014-0150/ Whiddon .85

C8116

Aerial: 2012-01

Exhibit A-2
Aerial & Zoning

Feet
0 50 100 200
1 inch = 100 feet
N

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Dear Planning Commission Member:

I have sent the enclosed letter to the case manager for the rezoning case noted.

Please do not allow this rezoning and redevelopment in our neighborhood.

Thank you sincerely,

James Burleson

James Burleson
2010 A Gathright Cove
Austin, Texas 78704

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Mr. Lee Heckman

Case Manager: **C14 – 2014 – 0150**

Planning and Development Review Department, COA

Dear Mr. Heckman:

Please include this letter immediately among the documents to be considered by officials regarding the case noted above.

If zoning has any meaning in the first place for Austin residents who have established homes for the purpose of having one dependable place for peace, quiet, and privacy, then rezoning at 4102 and 4200 Manchaca Road will not be allowed. I write with my emphatic objection to these proposed developments. Our neighborhood on the short street of Gathright Cove is comprised in the main of older people, either retired or near retirement. All of us mind our own business; our lifestyle requires a tranquil environment.

Yet already:

there is an almost continuous background noise of traffic on Ben White, two blocks away;

there are occasional roaring airliners overhead;

police helicopters often circle, creating a huge disturbance sometimes for hours;

sirens wail frequently at any/all hours nearly every day and night;

trash pickups for the newly built Radio Bar crash like falling planes almost every night around 4:00 a.m. as does that for the Texan Market; the city Resource Recovery heaves and crashes (20 steps from my own front window) along the street three times per two weeks long before many of us are ready to awaken. Each of these removals is on an industrial scale, far beyond any consideration for or compatibility with normal human life.

The added noise of yet another regular trash pickup in the middle of the night for the development proposed will further rob our peace and quiet nightly, as will the unregulated noise of dismantling and development itself, an inescapable occurrence almost anywhere in this city for decades. Development in this city is an endless process that maintains an atmosphere polluted with dust, exhaust, and particulates from building materials, a toxic "air" for us to breathe.

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Worse, new commerce next to us will further inflate property values; this factor will drive up rents even further. Older citizens with low, either fixed or decreasing income (like me) – **some of us will then be homeless.** I speak without exaggeration. **Please do not destroy us in the Sunset of our lives with this rezoning and its certain, disastrous results.**

Further, parking on this street along about half its length on both sides has begun to occur frequently as a result of the city's recent rezoning to accommodate The Radio Bar. This invasion also impinges on our peace and quiet, and privacy, and parking space. This new bar has insufficient parking space; thus any added commercial development adjacent to or near it is also sure to have insufficient parking as well and is sure to impinge further on residents. If your department can drive a sacred and revered enterprise like Casa de Luz out of its long-held site for "insufficient parking space", then this proposal must not be allowed at all.

Further, the more readily available alcohol is made, the more chaos befalls a sedate neighborhood. Please do not infuse more alcohol into our neighborhood.

I realize that, if ordinary citizens' voices were truly significant, most new developments in our neighborhoods would never occur at all, your sign giving notice of this redevelopment case would have been replaced after it disappeared within a few days of its appearance, the map on the reverse of your mailed notice would not show a proposed development on North I 35, you would be willing to transmit my phoned protest to the Planning Board, it would not have taken ten days to find you, the actual case manager for this proposal, and wealth would not usually trump average people and ultimately rob them of their normal lifestyle in this city. Austin is rapidly becoming **an uninhabitable wasteland**. Yet I call on you, the Planning Commission and the Council to act on your highest impulses and thus to reject this rezoning proposal. Please just leave us in peace, such as we have left to us. Commerce, where commerce is already excessive, cannot improve the quality of life for us. Commerce itself cannot flourish without a flourishing citizenry.

James Burleson

James Burleson

Associate Professor

9.21.14

512 444 3458 after 1:00 p.m.

2010 A Gathright Cove Austin 78704

Cc: Planning Commission, City Council

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.

Exhibit C-4

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.

R 10/21/14

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:
http://www.austintexas.gov/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: C14-2014-0150
Contact: Lee Heckman, 512-974-7604
Public Hearing: Oct 28, 2014, Planning Commission
Nov 20, 2014, City Council

Julie Gallagher
Your Name (please print)

☐ I am in favor
☑ I object

2012 Gathright Cove
Your address(es) affected by this application

Julie Gallagher
Signature

Oct. 18, 2014
Date

Daytime Telephone: 512-448-2374

Comments: No more changing the zoning in our neighborhood. We already are experiencing the traffic problems with the new commercial lot "Radio" @ Fortview and Manchaca. I have lived here 12 years and do not want noise, traffic, more people etc. No more restaurants, condos, offices etc — Keep our neighborhood Residencial ONLY! We will fight this — our whole street (Gathright) and also people on Fortview — Dont want this to rezoning to happen.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

C8/20

PUBLIC HEARING INFORMATION

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R 10/21/14

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Case Number: C14-2014-0150
Contact: Lee Heckman, 512-974-7604
Public Hearing: Oct 28, 2014, Planning Commission
Nov 20, 2014, City Council

JAMES BURLESON
Your Name (please print)

☐ I am in favor
☑ I object

2010 A GATHRIGHT COVE 78704
Your address(es) affected by this application

James Burleson
Signature

10.19.14
Date

Daytime Telephone: 512 444 3458 AFTER 1:00 p.m.

Comments: PLEASE SEE ATTACHED LETTER.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810 ?

12/83

Exhibit C - 5

C8/22

From: David Roach
Sent: Monday, October 27, 2014 1:50 PM
To: Heckman, Lee
Subject: Traffic Impact for Case Number C14-2014-0150

Dear Mr. Heckman,

I attended the planning commission meeting on October 14th to provide comment on this case, but the case was postponed until the meeting tomorrow night, which looks to be a very busy meeting; possibly so busy that all comments will not be heard.

I am concerned about the current gridlocked traffic at the corners of Manchaca Road/Gathright Cove and Manchaca Road/Fortview. The upgrade of Dan's Hamburgers early this year, combined with the new Radio Bar has significantly increased the gridlock and parking congestion on both corners as well as parking on both Fortview and Gathright.

An addition of a restaurant at the corner of Gathright and Manchaca would overwhelm the traffic and parking situation. I was surprised that no Traffic Impact analysis was required as a result of the rezoning requests in this case, and would like to see whether it is possible to require one. Unless the new restaurant owner builds a parking garage, I don't see how it's possible to accommodate the increased traffic and parking that will result from the rezoning.

I've spoken with a number of other residents in the area, and all have the same concern. Residents on Fortview have already applied for permit-only parking on the street (due to Radio Bar) and residents on Gathright are ready to apply for the same. Left turns are very difficult (often impossible during rush hour) from Gathright onto Manchaca, from Manchaca onto Gathright, from Manchaca into Dan's parking lot, and from Manchaca onto Fortview (both eastbound and westbound). Southbound traffic crossing Ben White is often backed up past Gathright to Bert Street.

And that's the current conditions! It seems like adding a restaurant on the corner of Manchaca and Gathright will result in much greater gridlock at all of these locations.

Please let me know if there is any way for concerned neighbors to request a Traffic Impact Analysis.

Also, please let me know if the hearing on this case will be postponed for another two weeks, due to the large number of items on the docket for tomorrow's hearing.

I plan to be present at the hearing tomorrow evening. Will you or a member of your staff be present?

Is it possible to speak with you in person or by phone before the meeting tomorrow night? I'd very much like to better understand the process and be aware of the options available to address the parking and gridlock concerns.

Thanks,

David Roach
2021B Gathright Cove
Austin, TX 78704