

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0155 – 3303 Manor Road DISTRICT: 1

ZONING FROM: CS-V-CO-NP, CS-CO-NP and SF-3-NP

TO: CS-MU-V-CO-NP SITE AREA: 2.882 Acres

ADDRESS: 2205 Tillery Street, 2213 Tillery Street and 3303 Manor Road

PROPERTY OWNERS: AGENT:
The Urban Groundskeeper (Glenn F. Cooper) Drenner Group, PC (Amanda Swor)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the Applicant's request to rezone the property to CS-MU-V-CO-NP which includes keeping the current conditional overlay as follows:

1. A 15-foot wide vegetative buffer shall be provided and maintained along the west property line adjacent to Tillery Street and along the south property line adjacent to the property developed or zoned residential. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
2. Adult oriented businesses, Automotive sales, Campground, Drop-off recycling collection facility, Equipment repair services, Exterminating services, Kennels, Limited warehousing and distribution, Monument retail sales, Outdoor sports and recreation, Transitional housing, Veterinary services, Agricultural sales and services, Building and maintenance services, Convenience storage, Electronic prototype assembly, Equipment sales, Funeral services, Laundry services, Maintenance and service facilities, Outdoor entertainment, Pawn shop services, and Vehicle storage shall be prohibited on the property.

Staff also recommends adding the condition that the property be subject to the attached Neighborhood Traffic Analysis that will be attached by Public Restrictive Covenant. (*Please see Exhibit D-Neighborhood Traffic Analysis*). For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

September 24, 2019: To grant CS-MU-V-CO-NP as recommended by Staff (13-0). [G. Anderson- 1st, C. Kenny- 2nd]

August 13, 2019: To grant postponement to August 13, 2019 as requested by Staff, on consent, (9-0). [C. Kenny- 1st, G. Anderson- 2nd; A. Azhar, P. Howard, R. Schneider, and P. Seeger- Absent]

July 9, 2019: To grant postponement to August 13, 2019 as requested by Staff, on consent, (11-0). [P. Seeger- 1st, A. Azhar- 2nd; T. Shaw, J. Thompson- Absent]

June 25, 2019: To grant postponement to July 9, 2019 as requested by Staff, on consent, (11-0). [P. Howard- 1st, C. Kenny- 2nd; P. Seeger, J. Shieh- Absent]

CITY COUNCIL ACTION:

October 17, 2019:

October 3, 2019: To postpone to October 17, 2019 as requested by Staff, on consent. (10-0) [Alter- 1st, Pool- 2nd. Alter, Casar- Off the dais]

August 22, 2019: To postpone to October 3, 2019 as requested by Staff, on consent. (9-0) [Garza- 1st, Flannigan- 2nd. Harper-Madison- Off the dais]

August 8, 2019: To postpone to August 22, 2019 as requested by CM Pool, on consent. (11-0) [Pool- 1st, Renteria- 2nd]

ORDINANCE NUMBER:

ISSUES:

The proposed rezoning is for 2.882 acres of land located at the southeast corner of Manor Road and Tillery Street. This portion of Manor Road is a Future Core Transit Corridor (CTC), making it eligible for vertical mixed use (VMU) development. The Applicant also proposes retaining the conditional overlay that is currently attached to the site.

CASE MANAGER COMMENTS:

The proposed rezoning is for 2.882 acres of land located at the southeast corner of Manor Road and Tillery Street. The property includes construction sales and services land use. Three zoning districts are found on the site—immediately at the intersection of Manor and Tillery is CS-V-CO-NP; further south along Tillery Street is CS-CO-NP; and the eastern portion of the property that fronts Manor Road is land zoned SF-3-NP. The portion of the property that is zoned SF-3-NP contains a branch of Tannehill Branch and is constrained by floodplain and significant topography. Immediately east of the rezoning area are properties zoned GR-V-CO-NP, GR-CO-NP, and SF-3-NP. These properties are developed with personal services, single family and duplex residential land uses. Immediately south of the property are lots zoned SF-3-NP that are developed with single family and duplex residential uses. Across Tillery Street to the west is property zoned CS-MU-CO-NP that is developed with a mixed use center containing art studios, film school, and related uses. Also across Tillery Street is property zoned CS-V-CO-NP that is used for construction sales and services. Across Manor Road to the north is property zoned CS-MU-V-NP that is developed with multifamily residential and personal services land uses. The property is subject to compatibility standards to the south and east. ***Please see Exhibits A, B, and C—Zoning Map, Aerial Exhibit, Topography Exhibit.***

The properties were rezoned in 2002 as part of the MLK Neighborhood Plan process and conditional overlays were established on the CS portions of the subject property. The following conditions apply to the CS-CO-NP area and CS-V-CO-NP areas:

1. A 15-foot wide vegetative buffer shall be provided and maintained along the west property line adjacent to Tillery Street and along the south property line adjacent to the property developed or zoned residential. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
2. The following land uses are prohibited on the property: Adult oriented businesses, Automotive sales, Campground, Drop-off recycling collection facility, Equipment repair services, Exterminating services, Kennels, Limited warehousing and distribution, Monument retail sales, Outdoor sports and recreation, Transitional housing, Veterinary services, Agricultural sales and services, Building and maintenance services, Convenience storage, Electronic prototype assembly, Equipment sales, Funeral services, Laundry services, Maintenance and service facilities, Outdoor entertainment, Pawn shop services, and Vehicle storage.

The Applicant does not propose removing the existing conditions. The Applicant proposes to consolidate the CS-V-CO-NP, CS-CO-NP and SF-3-NP tracts to comprise a single CS-MU-V-CO-NP property with consistent regulations across the entire property. This would make it possible to redevelop the site with a single cohesive project.

Staff supports the Applicant's request. The property is currently two lots with three distinct zoning districts. The only portion of the property that permits market-rate residential use is the undevelopable

SF-3-NP area. The only way to add dwelling units would be to develop a VMU building on the CS-V-CO-NP portion of the property. Mixed use zoning would allow a transition from the more commercial character of Manor Road to the residential neighborhood to the south and east. Since the property is adjacent to the Core Transit Corridor of Manor Road, Vertical Mixed Use zoning is appropriate. By combining the tracts, the property has also been analyzed under a single Neighborhood Traffic Analysis (NTA). This provides more transportation analysis than if the tracts were addressed separately. *(Please see Exhibit D- Neighborhood Traffic Analysis).*

Staff has received correspondence in favor and in opposition to the rezoning request. *Please see Exhibit E - Correspondence.*

BASIS OF RECOMMENDATION:

1. *Granting of the request should result in an equal treatment of similarly situated properties.*
Adding the V designation to the entire property will make the CS-CO-NP and SF-3-NP portions of the property. Vertical mixed use zoning is common along this section of Manor Road, with CS-V-CO-NP, CS-MU-V-NP, and GR-V-NP properties in close proximity to the subject property.

2. *Zoning should allow for reasonable use of the property.*
The property is currently two lots with three distinct zoning districts. The configuration and combination of these commercial and residential districts make it difficult to redevelop the site with a use appropriate for the location at the intersection of a collector and Core Transit Corridor.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-V-CO-NP, CS-CO-NP, SF-3-NP	Construction sales and services, Undeveloped
North	CS-MU-V-NP, PUD	Restaurants, Multifamily, Personal services, Parkland
South	SF-3-NP	Single family and residential
East	GR-V-CO-NP, GR-CO-NP, SF-3-NP	Personal services, single family and duplex residential
West	CS-V-CO-NP, CS-MU-CO-NP	Construction sales and services, Mixed use art studios, etc.

NEIGHBORHOOD PLANNING AREA: East MLK Combined NP Area

SCHOOLS:

Maplewood Elementary School Kealing Middle School McCallum High School

TIA: Please see Exhibit C- Neighborhood Traffic Analysis)

WATERSHED: Tannehill Branch

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association	AISSD
East Austin Conservancy	Preservation Austin
Del Valle Community Coalition	Anberly Airport Association
Austin Inncercity Alliance	Neighbors United for Progress
Friends of Austin Neighborhoods	Sierra Club
Neighborhood Empowerment Foundation	Mueller Community Associations
J.J. Seabrook Neighborhood Association	Bike Austin
Mueller Neighborhood Association	Austin Neighborhoods Council
East MLK Combined Neighborhood Plan Contact Team	Black Improvement Association

AREA CASE HISTORIES:

CITY FILE # / NAME	ZONING FROM & TO	PLANNING COMMISSION	CITY COUNCIL
C14-2012-0140 Street & Bridge District Office	GR-V-NP and GR-NP to P-NP	08/13/2013- Withdrawn by Applicant	08/08/2013- Withdrawn by Applicant
C14-2011-0088 Tillery Street	LO-MU-NP to CS- MU-NP	01/24/2012: To grant CS-MU-CO- NP as rec by staff	02/09/2012: Approve CS-MU- CO-NP, Ord. No. 20120628-103

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks (along frontage)	Bicycle Route	Capital Metro (within ¼ mile)
Manor Road	70 feet	42 feet	Arterial	Yes	Yes, bike lane	Yes
Tillery Street	50 feet	30 feet	Collector	No	Yes, wide curb lane	Yes

OTHER STAFF COMMENTS:

COMPREHNSIVE PLANNING:

Connectivity- Public sidewalks are located on the west side of Tillery Street and north and south side of Manor Road. Bike lanes are also located along both sides of Manor Road. A transit stop is located 50 ft. from the subject property. The Walkscore for this area is 66/100, Somewhat Walkable, meaning some errands can be accomplished on foot. There are several mobility and connectivity options in this area.

The East MLK Neighborhood Plan (EMLKNP)- The EMNP Future Land Use Map (FLUM) designates this portion of the planning area (which begins at this parcel as ‘Mixed Use’ and ‘Recreation & Open Space.’ The Recreation & Open Space’ area is located on the floodplain and will remain open space. Zone CS-MU-V is permitted under the Mixed Use FLUM category. The following EMNP policies are applicable to this request:

Goal Two - Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses.

Objective 2.1: Where appropriate, address mis-matches between desired land use and zoning.

Objective 2.2: Reduce the impact of commercial and industrial uses on residential areas.

Goal Three Preserve existing small businesses and encourage new neighborhood-serving commercial services in appropriate locations.

Objective 3.1: Where zoning permits, promote neighborhood-oriented businesses and services such as restaurants, corners stores, and laundromats.

Goal Four - Promote the development and enhancement of the neighborhood's major corridors.

Objective 4.1: Allow mixed use development along major corridors and intersections.

Voluntary Design Guidelines

OBJECTIVE 1: Create well landscaped, pedestrian oriented convenience nodes within the neighborhood planning area.

Guideline 1.1: Encourage mixed-use structures and corner stores to bring around-the-clock vitality to the neighborhood. Live-work spaces and apartments over stores with balconies overlooking the street increases security for both residents and businesses and provides residents easy access to goods and services.

Action 5- Allow Mixed Use/Commercial on Airport Blvd., Manor Rd., and MLK Blvd. west of Tillery Street.

The policies and text taken from the EMNP and the FLUM appears to support mixed residential and commercial uses in this portion of the planning area.

Imagine Austin- The property is located along an 'Activity Corridor', which are characterized by a variety of activities and types of buildings that are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out

without traveling far distances. The following IACP policies are also relevant to this case:

LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

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.

Conclusion- Based on this property being: (1) within an area designated as Mixed Use on the EMNP

FLUM, which supports commercial and mixed use; (2) located along an 'Activity Corridor', as

identified on the Imagine Austin Growth Concept Map that supports mixed uses; and (3) the Imagine

Austin policies referenced above that supports the a variety of land

uses including mixed use, this proposed project appears to support the Imagine Austin Comprehensive Plan.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there may be floodplain within or adjacent to the project location. Based on the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone (CWQZ) exists within 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. At this time, site specific information is unavailable regarding 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.

SITE PLAN

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use.

TRANSPORTATION

- TR1. Per LDC 25-6-101 (Ordinance No. 20170302-077), off-site transportation improvements and mitigations will be required at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.
- TR2. A Neighborhood Traffic Analysis is required for this project for access to Tillery Street. The NTA requires three (3) consecutive 24 hour tube counts, preferably on Tuesday, Wednesday, and Thursday, during a non-holiday week when school is in session. Staff will contact Scott James (Scott.James@austintexas.gov) to discuss the location of the tube counts. Results will be provided in a separate memo. LDC 25-6-114. Please pay the NTA fees with the Intake staff on the 4th floor. This comment will be cleared once the Memo is approved and the fees are paid.
- TR3. Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR4. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane for all ages and abilities is recommended for Manor Road and a bike lane is recommended for Tillery Street. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101 for this zoning application. Please review the Bicycle Master Plan for more information.
- TR5. The Urban Trails Master Plan requires a Tier II trail along Manor Road (Eastlink Trail). Staff is in communication with the Urban Trails Program to determine the trail location and requirements for the zoning application. Right-of-way and/or easement dedications may be required upon further review. LDC 25-6-55. Please review the Urban Trails Master Plan for more information.
- TR6. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR7.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks (along frontage)	Bicycle Route	Capital Metro (within ¼ mile)
Manor Road	70 feet	42 feet	Arterial	Yes	Yes, bike lane	Yes
Tillery Street	50 feet	30 feet	Collector	No	Yes, wide curb lane	Yes

WATER UTILITY

1. 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. 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Topography Exhibit
- D. Neighborhood Traffic Analysis (NTA)
- E. Correspondence