

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0130 (Manor CS-1)

DISTRICT: 9

ADDRESS: 2200 Manor Road and 2801 Breeze Terrace

ZONING FROM: CS-MU-V-NP

TO: CS-1-MU-V-CO-NP

SITE AREA: approximately 0.18 acres (approximately 8,055 square feet)

PROPERTY OWNER: McElroy Building Company, Inc. (Ryan McElroy)

AGENT: Thrower Design, LLC (Victoria Haase)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMEDATION:

Staff recommends granting commercial-liquor sales district-mixed use-vertical mixed use-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. The conditional overlay would *prohibit*: adult oriented businesses; adult lounge; automotive washing (of any type), and *conditionally allow*: automotive rentals; automotive repair; automotive sales; equipment repair services; equipment sales; liquor sales; custom manufacturing; limited warehousing & distribution; college and university facilities; communication service facilities; and maintenance & service facilities. See the *basis of recommendation* section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 23, 2024: Planning Commission approved staff's recommendation of CS-1-MU-V-CO-NP (as amended) on consent by a vote of 11-0. Motion by Commissioner Anderson, 2nd by Commissioner Maxwell. Commissioner Connolly absent, and Commissioner Cox off the dais.

CITY COUNCIL ACTION:

February 29, 2024: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER: N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently a commercial use with a majority of its frontage along Manor Road, an ASMP level 3 corridor, an Imagine Austin Corridor and stops for the CapMetro Route 20 bus on the same block. This route has one of the highest riderships in the system. There are not currently any CS-1 zoned properties along Manor Road and only one other in the vicinity, the Butterfly Bar at the Vortex. The applicant seeks to retain the MU-V-NP overlays which could result in additional residential or a mix of uses under this entitlement.

BASIS OF RECOMMENDATION:

The proposed zoning should satisfy a real public need and not provide special privilege to the owner.

Granting this rezoning request would provide additional commercial-liquor sales zoning proximate to a variety of residential uses, and public transportation assets. The Manor Road corridor is undergoing a transition as it builds out between the University of Texas, Martin

Luther King, Jr. Boulevard Transit Oriented Development (TOD), (which encompasses a portion of Manor Road to the east of the subject tract), and the 700-acre Mueller Development. Encouraging a mix of uses along this Imagine Austin corridor will result in, as Imagine Austin described, “allow[ing] people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.”

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

Both Council and Planning Commission have adopted policies and principles to increase development and uses along Imagine Austin Corridors and where major public transportation assets exist. Granting this rezoning is consistent with those policies and principles. The property will most likely not exist in the future as just a bar, since the applicant would be within their zoned entitlements to develop vertical mixed use. This rezoning could quite possibly result in residential units co-existing above a local neighborhood bar, as seen in so many other cities.

Rezoning should not contribute to the over zoning of the area.

It is noted that while there are a few restaurants that serve alcohol in the vicinity, there is currently only one other property zoned CS-1, the Vortex Theater, which includes the approximately 1,000 square foot Butterfly Bar on East 22nd Street. Granting an additional CS-1 zoned property would not be a concentration of bars, nor is it an over zoning of the area. It would provide a healthy mix of uses within a 15-minute walk of a variety of different types of other land uses and public transportation assets, a “Complete Community.” It would also provide the opportunity for more people to take alternative modes of transportation besides driving.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-V-NP	Approximately 1,900 square foot former coffee shop built in approximately 1950 with unpaved patio to the west and surface parking lot to the east for approximately eight cars.
<i>North</i>	CS-MU-V-NP	Approximately 1,000 square foot single family home built in approximately 1950.
<i>South</i>	CS-V-CO-NP	Approximately 4,000 square foot Este Restaurant, originally built in 1925, renovated in 1985 and 2023. Approximately 6,400 square foot paved parking lot to the north fronting Manor Road. Approximately 600 square foot Bar Toti restaurant and bar built in approximately 1995.
<i>East</i>	CS-MU-V-NP	Approximately 2,000 square foot duplex built in approximately 1950.
<i>West</i>	CS-V-CO-NP	Approximately 7,000 square foot Manor Road Plaza commercial center built in approximately 1951 with approximately 11,000 square foot paved parking area to the south and east. Includes Hoover’s Cooking and Amy’s Ice Cream.

NEIGHBORHOOD PLANNING AREA: Upper Boggy Creek Neighborhood Plan
Combining District:

WATERSHED: Boggy Creek WatershedSCHOOLS: A.I.S.D.

Maplewood Elementary School

Kealing Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Cherrywood Neighborhood Assn., Del Valle Community Coalition, East Austin Conservancy, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Manor Road IBIZ District, Neighborhood Empowerment Foundation, Neighbors United for Progress, Preservation Austin, SELTexas, Sierra Club, Austin Regional Group, Upper Boggy Creek Neighborhood Planning Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0169 (The Vortex)	To rezone approximately .45 acres from CS-MU-CO-NP to CS-1-MU-CO-NP	01.11.2005: Approve applicant's request for CS-1-MU-CO-NP zoning (8-0)	02.10.2005: Approved on consent, CS-1-MU-CO-NP on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second (7-0)
C14-2018-0100.SH (2107 Alamo)	To rezone approximately 0.22 acres from SF-3-NP to MF-4-CO-NP	02.26.2019:	04.11.2019: Approved MF-4-CO-NP with conditions, on 2 nd /3 rd readings, motion by Council Member Harper-Madison, seconded by Council Member Renteria. (10-1) with Council Member Tovo voting nay.
C14-2007-0179 (2704 French Place)	To rezone property from MF-3-NP to GR-MU-CO-NP	Case Expired	Case Expired

RELATED CASES:

None

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 2200 MANOR RD. C14-2023-0130. 0.018 acres from CS-MU-V-NP to CS-1-MU-V. Existing: Restaurant/Coffee Shop. Proposed: Cocktail Lounge. Upper Boggy Creek NP. FLUM: Mixed Use

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: Along Manor Road Activity Corridor
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Choice *: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use *: Provides a mix of residential and non-industrial uses.
Y	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
8	Number of "Yes's"

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. 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. 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.

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.

Fire

No comments regarding rezoning.

PARD – Planning & Design Review

PR1: Beginning January 1, 2024, there will be no parkland dedication requirements for new development applications proposing commercial uses such as cocktail lounges.

Site Plan

SP1. A site plan will be required for any new development other than single-family, two-family or duplex residential.

SP2. Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

SP3. Generally, any development which occurs in an SF-6 or less restrictive zoning district which is located 540 ft. or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations, per § 25-2-1051. However, this site is located along Manor Road, which is considered a “Larger Corridor” per [Ordinance No. 20221201-056](#), and thus, is subject to less restrictive compatibility standards for residential or mixed-use properties. See <https://publicinput.com/CompatibilityCorridorsFAQ> for more information.

SP4. In the event that demolition or relocation of existing buildings is proposed, the applicant is responsible for requesting demolition or relocation permits at the appropriate stage of the development process. The City Historic Preservation Office will review all proposed building demolitions and relocations. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

SP5. This site is located in the Upper Boggy Creek Neighborhood Plan. Please see the City’s Neighborhood Plans and Resources webpage for a copy of the recommended design guidelines.

Transportation and Public Works Department – Engineering Review

ATD 1. Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal

improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for MANOR RD. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for MANOR RD according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 3. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for BREEZE TER. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for BREEZE TER according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
MANOR RD	Corridor Mobility - Level 3	80 feet	64 feet	29 feet	Existing 4 feet sidewalks	Protected one-way bike lane	Yes
BREEZE TER	Local Mobility - Level 1	58 feet	50 feet	29 feet	No	No	Yes

TIA: A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the threshold established in the Land Development Code.

Austin Water Utility

AW1. No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant’s Summary Letter
- D. Correspondence from Interested Parties

August 29, 2023

Mrs. Lauren Middleton-Pratt
Director, Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: Rezoning Application – Manor Road CS-1 – 2200 Manor Road

Dear Mrs. Middleton-Pratt:

On behalf of the Owner(s) of the property referenced above, we respectfully submit the enclosed rezoning application. The subject lands are legally platted as Lot 1, Block 5 of the Forest Hills Subdivision, and comprised of 0.18 acres. The land is located within Council District 9, represented by Zo Quadri and is within the Upper Boggy Creek: Cherrywood Neighborhood Planning Area.

The Future Land Use Map designates the property for “Mixed Use” and the current land use is commercial & retail (coffee shop) and the zoning is “CS-MU-V-NP”. The request is to rezone the base district of the property to CS-1 and maintain the “MU-V-NP” overlays. Rezoning is sought to allow for cocktail lounge use. The site is located on the periphery of a neighborhood with frontage on Manor Road - an Imagine Austin Activity Corridor and has existing Capitol Metro Bus service with stops on the same block. The rezoning allows for a use that can be frequented by local residents within walking distance, or by bus for patrons that may live outside the walk shed.

We respectfully request support for the requests made. Please contact our office should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,



Victoria Haase

www.throwerdesign.com

512-998-5900 Cell

512-476-4456 Office



The Cherrywood Neighborhood is bounded by I-35, E. 38 ½ Street, Airport Boulevard, and Manor Road. We are a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

P.O. Box 4631 | Austin, TX 78765 | www.cherrywood.org
Contact | steering@cherrywood.org

January 16, 2024

The Cherrywood Neighborhood Association (CNA) Steering Committee met on January 10, 2024 and considered the rezoning request (C14-2023-0130) and voted to support the request for rezoning to CS-1 to allow liquor sales on the two properties currently occupied by Thunderbird Coffee, and to recommend limiting certain uses. Commensurate with this rezoning we also request renewed engagement with the City of Austin on a sidewalk for Breeze Terrace as illustrated in the Cherrywood Sidewalk Master Plan.

We appreciate that the applicants and Thunderbird owner reached out early in the process in October, 2023 to answer questions and met with an ad hoc group of our Steering Committee in December, 2023.

Background

The CNA has a long history of trying to shape the inevitable changes in the character of our neighborhood, with special consideration of changes in use and density on the transportation corridors that transect our area. We are not opposed to change in our neighborhood.

CNA shares the Manor Road corridor with several other neighborhoods, notably Blackland and Rogers Washington-Holy Cross and Austin Heights. The evolution of the commercial properties from residential and retail to restaurants and bars has resulted in benefits for and impacts to residents of all our neighborhoods.

Considerations

This is a limited request to change the base zoning in order to allow a use for liquor sales, although no amendment to the Upper Boggy Creek Neighborhood Plan is required. We have reviewed and discussed with the applicants the other permitted and conditional uses allowed in CS-1 zoning and recommend several uses be prohibited or made conditional (see below). We understand both parcels will retain the Neighborhood Plan overlay.

We were positively influenced by the commitment of Ryan McElroy, the applicant and business owner, who also operates several other businesses on this corridor, in the success of the corridor as a whole.

As with many, if not all, conversions of businesses to bars and nightlife in the urban core of Austin, our first concerns are with parking, transportation access and congestion, and pedestrian safety, with secondary concerns about future expansion of seating which then exacerbates these concerns. This corridor is part of the Expo Center MetroRapid line which should help alleviate future parking and access pressures.

The Manor Road corridor was one of the first Independent Business Zones in Austin and has been evolving for many years into a vibrant diversity of commercial uses, with more family-oriented uses in recent years. The corridor is anchored by multi-family residential developments at each end. We are also concerned with the long-term use of parcels and that future owners may not share the current owners interest in the corridor.

Decision points

We reached out to several residents on Breeze Terrace, the mostly directly impacted residential street connecting off of Manor Rd where these properties are located, and found no strong opposition to the specifics of the rezoning request but we did hear concerns about pedestrian safety.

Recent improvements along Manor Rd have greatly improved pedestrian and cyclist safety, however there is no sidewalk on Breeze Terrace, a residential street that sees nightly traffic and parking from patrons of various businesses on Manor Rd. There is a concern this daily and nightly impact will increase and worsen after renovations at Thunderbird.

A sidewalk for Breeze Terrace was first discussed in 2002 (www.cherrywood.org/sidewalk-plan) as part of the Upper Boggy Creek Neighborhood Plan (UBC NP Action Item 38) along with a vision and goals for why and how sidewalks support safety and community. The broad goals and a specific proposal for Breeze Terrace was reaffirmed in 2009 and again in 2020. We have a long and successful relationship with the City of Austin in implementing the Cherrywood Sidewalk Plan, although several sidewalk additions by the City in recent years were not part of the plan.

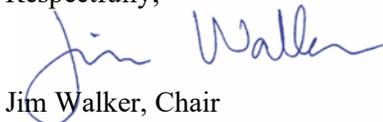
Commensurate with, but not conditional for, this rezoning request, we request the City of Austin collaborate with the Cherrywood Neighborhood Association to evaluate and refresh a vision for a new sidewalk on Breeze Terrace for the purposes of pedestrian safety.

In addition to the focus on sidewalks for pedestrian safety, our Steering Committee discussions also centered on limiting several specific uses that would be allowed at the properties under the proposed CS-1. We note that a much more extensive limiting of uses along the Manor Rd corridor was implemented by the City as part of the neighborhood planning area-wide rezonings in 2002 (UBC NP Action Item 9). However, we believe the limitations below are appropriate for the current day and only list the specific uses we are recommending be limited (except see note for Cocktail Lounge):

ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)			
P = Permitted Use C = Conditional Use Permit -- = Not Permitted			
COMMERCIAL USES	CS	CS-1	CNA proposal
Adult-Oriented Businesses	C	C	--
Adult Lounge	--	C	--
Automotive Rentals	P	P	C
Automotive Repair Services	P	P	C
Automotive Sales	P	P	C
Automotive Washing (of any type)	P	P	--
Cocktail Lounge [<i>just noting CNA support for this as a new Conditional use</i>]	--	C	C
Equipment Repair Services	P	P	C
Equipment Sales	P	P	C
Liquor Sales	--	P	C
Custom Manufacturing	P	P	C
Limited Warehousing and Distribution	P	P	C
College and University Facilities	P	P	C
Communication Service Facilities	P	P	C
Maintenance and Service Facilities	P	P	C

The Cherrywood Neighborhood Association is excited about the future of the Manor Rd corridor and supports this incremental change for these parcels toward the ongoing vitality and function of the corridor as well as its longer-term evolution.

Respectfully,



Jim Walker, Chair
Cherrywood Neighborhood Association

Cc: Councilmember Zo Qadri, District 9
Mayor Kirk Watson
Austin City Council

January 22, 2024

Mrs. Lauren Middleton-Pratt
Director, Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: Rezoning Application – Manor Road CS-1 – 2200 Manor Road

Dear Mrs. Middleton-Pratt:

On behalf of the Owner(s) of the property referenced above, we are formally amending the request of the subject application, C14-2023-0130 from CS-1-MU-V-NP to CS-1-MU-V-**CO**-NP. The Conditional Overlay proposes the following:

Prohibited uses:

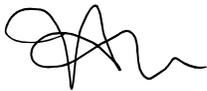
Adult-Oriented Businesses
Adult Lounge
Automotive Washing (of any type)

Conditional uses:

Automotive Rentals
Automotive Repair
Automotive Sales
Equipment Repair Services
Equipment Sales
Liquor Sales
Custom Manufacturing
Limited Warehousing & Distribution
College and University Facilities
Communications Service Facilities
Maintenance & Service Facilities

We respectfully request support for the requests made. Please contact our office should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,



Victoria Haase

www.throwerdesign.com

512-998-5900 Cell

512-476-4456 Office

Comments Received on 2200 Manor Rd. CS-1 (C14-2023-0130)

Email from: Sam Evans
Date: 02/13/2024
Time: 11:22 AM
Subject: Case # C14-2023-0130

In regards to zoning changes referenced in case#-C14-2023-0130, I am formally submitting my objection to the matter.

The continued abuse by developers of our neighborhood for parking purposes and increased vehicle traffic can no longer be tolerated. Cherrywood was never designed for business on this scale, and the disregard for our quality of life is quantifiable via these zoning changes.

We are not a parking lot for businesses to exploit at our expense. And the fact that the onus of a parking permit situation is put on the residents, is a slap in the face of those who have been here for decades and built this community into what it is today.

Sam Evans
2317 LAFayette Ave
Austin TX 78722