

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2008-0248 North Loop Pub

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 100 East North Loop Blvd. (Waller Creek Watershed) from community commercial-conditional overlay neighborhood plan (GR-CO-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning.

ISSUES:

At First Reading, the City Council requested that the staff clarify the Applicant's proposed CS-1 uses. The only CS-1 use that will be permitted on the property is Cocktail Lounge. To this end, the Applicant is willing to prohibit all other alcohol-related uses, including Liquor Sales and all Adult-Oriented Businesses. The City Council also requested clarification of the definition of "cocktail lounge". The Land Development Code defines the cocktail lounge use as "the use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant use..."

The City Council also directed Staff to contact the North Loop Neighborhood Planning Team (NLNPT) in an effort to clarify what their intent was when they included the "pub" use in their plan. Staff contacted Mr. Patrick Goetz of the NLNPT and asked if he could provide some input into the question regarding the meaning of "pub". He recalled that what the NLNPT had in mind was "...a place where people in the neighborhood would go after work to socialize over alcoholic beverages." Mr. Goetz also recalled that at least a couple of people got involved in the neighborhood planning effort specifically because they were interested in having a neighborhood pub that they could walk to.

DEPARTMENT COMMENTS:

The conditions imposed by City Council on First Reading have been incorporated into the ordinance and attachments.

OWNER/APPLICANT: Terrell Timmerman

AGENT: Vincent Gerard & Associates (Vince Huebinger)

DATE OF FIRST READING: February 26, 2009, The first reading of the ordinance for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved on Council Member Martinez' motion, Mayor Pro Tem McCracken's second on a 4-2 vote. Those voting aye were: Mayor Pro Tem McCracken, Council Members Cole, Leffingwell, and Martinez. Those voting nay were: Council Members Morrison and Shade. Mayor Wynn was off the dais. Direction was given to staff to clarify the CS-1 uses that are permitted and provide the definition for CS-1 bar uses, develop a restrictive covenant that reflects the vision of the neighborhood for what a pub means, and to have guidance from members of the neighborhood planning team as to what the intent of the neighborhood plan was.

CITY COUNCIL HEARING DATE: March 26th, 2009

ORDINANCE NUMBER:

CITY COUNCIL ACTION:

ASSIGNED STAFF: Clark Patterson

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0248 North Loop Pub

P. C. DATE: 01-27-2009, 02-10-09

ADDRESS: 100 East North Loop Boulevard

AREA: 0.176 acres

APPLICANT: Terrell Timmerman

AGENT: Vincent Gerard & Associates
(Vince Huebinger)

NEIGHBORHOOD PLAN AREA: North Loop

CAPITOL VIEW: No

T.I.A.: No

HILL COUNTRY ROADWAY: No

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: GR-CO-NP

ZONING TO: CS-1-CO-NP

SUMMARY STAFF RECOMMENDATION:

Staff recommends CS-1-CO-NP – Commercial–Liquor Sales – Conditional Overlay-Neighborhood Plan. The Conditional Overlay would limit the vehicle trips to 2000 per day.

BASIS FOR RECOMMENDATION:

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

Granting CS-1-NP would be in keeping with the adopted North Loop Neighborhood Plan.

PLANNING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

One of the Neighborhood Planning Goals for the North Loop Neighborhood Planning Area is to “encourage well-designed neighborhood development that provides the needs of everyday life (shopping, employment, educational, spiritual, recreational, etc.) in locations that are readily and safely accessible within walking distance from where people live.”

The “existing neighborhood character” in the North Loop Neighborhood Planning Area is defined by a strong neighborhood feel; a place where people know each other; somewhere that is characterized by unique businesses instead of chains; the funky and eclectic nature of local businesses; a place that is pedestrian oriented and is good to walk and bike around; an area where new development complements and reflects the 1940s style of the existing residential stock; and the diversity of residents.

One of the stated goals of the North Loop Neighborhood Planning Area is to “encourage development of a diversity of neighborhood-oriented businesses. Encourage a balanced and diverse mix of independently owned, neighborhood businesses including green grocer, restaurants, coffee shops, bakery, pub, hardware store.”

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|-------|---------------|---------------------------|
| Site | GR-CO-NP | Retail/Vacant |
| North | SF-3-NP | Single Family Residential |
| South | CS-CO-NP | Retail |
| East | CS-CO-NP | Retail |
| West | GR-CO-NP | Retail |

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---------------|---|---|---|
| C14-75-0198 | From "O", 6 th Height & Area District to "LR", 6 th Height & Area District | Approved staff's recommendation for "LR", 6 th Height & Area District. | 5/1/75: Approved staff's recommendation for LR, 6 th Height & Area District. (9-0) All 3 readings. |
| C14-69-181 | From "A", 1 ST Height & Area District to "C", 1 ST Height & Area District | Approved staff's recommendation for "C", 1 ST Height & Area District. | 5/25/72: Approved staff's recommendation for "C", (7-0) All 3 readings. |

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assoc.
- Austin Neighborhoods Council
- League of Bicycling Voters
- North Austin Neighborhood Alliance
- Mueller Neighborhood Coalition
- Northfield Neighborhood Assn.

SCHOOLS:

- Ridgetop Elementary School
- Lamar Middle School
- McCallum High School

SITE PLAN:

1. A cocktail lounge in the CS-1 zoning district will require a Conditional Use Site Plan Permit, which will require approval by the Planning Commission. Staff will review the CUP under LDC Section 25-5-145 and 25-5-146.

2. The site is subject to compatibility standards. Along the north, south, east and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of 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.

3. Any new development, which proposes modifications to the building is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

TRANSPORTATION:

Existing Street Characteristics:

| Name | ROW | Pavement | Classification | Daily Traffic |
|-----------------|-----|----------|----------------|---------------|
| East North Loop | 70' | 40' | Arterial | 6510 (TxDOT, |

No additional right-of-way is needed at this time.

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].

There are existing sidewalks along East North Loop Boulevard.

East North Loop Boulevard is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service (route no. 7) is available along East North Loop Boulevard.

FYI: A site plan will be required for the proposed change of use to cocktail lounge. During the site plan process compliance with parking regulations will be reviewed.

ENVIRONMENTAL:

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the

two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

CITY COUNCIL DATE: February 26th, 2008

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson

PHONE: 974-7691

Clark.patterson@ci.austin.tx.us



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1" = 400'

| | |
|---|--|
| <p> SUBJECT TRACT</p> <p> ZONING BOUNDARY</p> <p> PENDING CASE</p> | <p>ZONING</p> <p>ZONING CASE#: C14-2008-0248</p> <p>ADDRESS: 100 E NORTH LOOP BLVD</p> <p>SUBJECT AREA: 0.0176 ACRES</p> <p>GRID: K26</p> <p>MANAGER: C. PATTERSON</p> |
|---|--|

OPERATOR: S. MEEKS

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