**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0007 **P.C. DATE:** April 14, 2009

**CC DATE:** April 23, 2009

**ADDRESS:** 605, 607 & 611 E 9th St & 811, 817 & 819 Red River St.

**OWNER/APPLICANT:** Stubb's Restaurant Co. **AGENT:** Armbrust & Brown (Richard Suttle)

**ZONING FROM:** CBD-CURE, CS & CS-1 **TO:** CBD-CURE

**AREA:** .75 acres

**SUMMARY STAFF RECOMMENDATION:**

To recommend rezoning from CBD-CURE, CS & CS-1 to CBD-CURE-CO. for Tracts 1 & 2 with the stipulation that on site loading will be provided and three handicap accessible spaces will be provided on site The CURE overlay is being used to seek a waiver from Chapter 25-6 Appendix A, Section 25-6-474 and 25-6-591 which require off street parking and loading. In addition outdoor entertainment will be a permitted use. The CO will limit the trips to less than 2,000 per day.

**PLANNING COMMISSION RECOMMENDATION:**

To approve the staff recommendation on a vote of 8-0 (Anderson absent).

**ISSUES:**

This property has operated as Stubb's BBQ Restaurant and a cocktail lounge with an indoor and outdoor stage for some time. Numerous improvements have been made to the property over time without proper permits. The applicant is seeking to remedy the situation by pulling the appropriate permits while at the same time securing City approval for an expansion that will add 6,445 sq ft to the outdoor concert venue. 4,295 ft to the existing restaurant and a new 35,753 sq ft indoor concert venue.

**DEPARTMENT COMMENTS:**

This property is located downtown in an area where on site parking for a facility such as Stubb's is not practical. There are numerous opportunities for off site parking in parking garages and lots and on street for patrons of Stubb's. Staff is supportive of the CBD-CURE zoning with the modifications to the off street parking and loading requirements with the stipulation that on site loading will be provided and three handicap accessible spaces will be

provided on site. Staff also supports changing outdoor entertainment from a conditional to a permitted use. A memo regarding the parking is attached.

**EXISTING ZONING AND LAND USES:**

| | ZONING | LAND USES |
|---|---|---|
| *Site* | DMU | Restaurant & Concert Venue |
| *North* | CBD | Cocktail Lounge |
| *South* | DMU | Cocktail Lounge |
| *East* | P | Police HQ |
| *West* | DMU, CS-1 | Cocktail Lounge |

**AREA STUDY:** Downtown Plan (in progress) **TIA:** Not required.

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

**CAPITOL VIEW CORRIDOR:** This tract is within the Capital View Corridor. A Capital View Corridor Height Determination will be required. A site plan application will require the demonstration of the view corridor on the plan, with a cross-section of the building with the base elevation and maximum height allowed within the corridor.

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**
DANA

**RELATED CASES:** C14-2008-0007

**ABUTTING STREETS:**

| NAME | ROW | PAVEMENT | CLASSIFICATION | CAPITAL METRO | BICYCLE PLAN | SIDEWALKS |
|---|---|---|---|---|---|---|
| Red River | 100' | 50' | Arterial | Yes | Yes | Yes |
| E 9th St | 100' | 50' | Arterial | No | Yes | Yes |

**CITY COUNCIL DATE:** April 23, 2009 **ACTION:**

**ORDINANCE READINGS:** 1st 2nd 3rd

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jerry Rusthoven **PHONE:** 974-3207
e-mail address: jerry.rusthoven@ci.austin.tx.us

## BASIS FOR STAFF RECOMMENDATION

Staff recommends CBD-CURE-CO for Tract 1 and Tract 2 because:

- The proposed use is compatible with adjacent zoning
- It is in the desired development zone
- It is located downtown
- Cool bands do great shows there

## ENVIRONMENTAL

### Impervious Cover

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.

### Water Quality Control Requirements

This site is required to provide on-site structural water quality controls (or payment in lieu of) for 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.

### Flood Plain, CEFs and Trees

According to flood plain maps, there is flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features.

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

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

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utility service. The landowner, at own expense will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Compatibility Standards**

The site is not subject to compatibility standards.




ZONING

ZONING CASE#: **C14-2008-0007**

ADDRESS: **811, 815-819 RED RIVER ST; 605, 607, 611 E 9TH ST**

SUBJECT AREA: **0.75 ACRES**

GRID: **J22**

MANAGER: **J. RUSTHOVEN**

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