

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0062

The Marchesa Hall & Theater

P. C. DATE: 07/24/12

ADDRESS: 6404 N. IH-35 SRV RD, SB
Suite 3100

AREA: 0.229 acres

APPLICANT: Wells Fargo Bank, N.A.
(Joseph Akers)

AGENT: Jackson Walker, L.L.P.
(Katherine Loayza)

NHOOD PLAN AREA: St. John/Coronado Hills

CAPITOL VIEW: No

T.I.A.: Waived – See the Transportation
Reviewer's comments.

HILL COUNTRY ROADWAY: No

WATERSHED: Tannehill Branch

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: CS-NP, General Commercial Services, Neighborhood Plan.

ZONING TO: CS-1-NP, Commercial Liquor Sales, Neighborhood Plan.

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 2,000 per day.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for CS-1-CO-NP district zoning, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioner Richard Hatfield was absent, 1 vacancy on the commission.

DEPARTMENT COMMENTS:

The site is currently developed with the Lincoln Village Shopping Center which contains the Marchesa Hall and Theatre. This facility is used for weddings, concerts, movies and other special and cultural events. The zoning case is located within the boundaries of the St. John/Coronado Hills Neighborhood Plan. The requested zoning change of CS-NP TO CS-1-NP is in accordance with the mixed use land use category identified on the Future Land Use Map. Mixed Use is intended to provide on-street activity in commercial areas after 5 p.m. Objective L.6 found on page 91 of the plan states: "Support community oriented business development along major commercial corridors." Action 191, also found on page 91, recommends to "Use Mixed Use land use and Commercial land use to soften the transition between US HWY 183, US HWY 290 and IH 35 and residential uses." The commercial liquor sales (CS-1) zoning is consistent with the plan's objectives and recommendations for this area. The applicant has indicated that they will enter into a restrictive covenant with the neighborhood that will state that alcoholic beverage sales shall not exceed 51% percent of gross revenues and if the indoor entertainment venue use is discontinued, then the applicant will request a zone change back to General Commercial Services (CS).

BASIS FOR RECOMMENDATION:

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

Granting the requested zone change to CS-1-CO-NP is consistent with the Mixed Use category identified on the Future Land Use Map of the St. John/Coronado Hills Neighborhood Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	CS-NP	Shopping center/theater
NORTH	CS-NP	Shopping center
SOUTH	CS-NP	Shopping center
EAST	CS-NP	Shopping center
WEST	CS-NP	Shopping center

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-08-0139	From CS-NP to CS-1-CO-NP	Approved CS-1-CO-NP [Vote: 7-0]	Approved CS-1-CO-NP [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- North Austin Neighborhood Alliance
- Highland/Skyview Neighborhood
- Austin Neighborhoods Council
- Brentwood/Highland Combined Neighborhood Assn.

SCHOOLS:

Reilly Elementary School
Webb Middle School
McCallum High School

SITE PLAN:

According to the applicants summary letter no new development is proposed and the request is for CS-1 Zoning. A conditional use permit will need to be applied for and this reviewer notices it has been submitted under SPC-2012-0190A. Additional comments will be made with this site plan once it is submitted for Formal Review.

TRANSPORTATION:

TR1: No additional right-of-way is needed at this time.

TR2: 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]

TR3: IH-35 is classified in the Bicycle Plan as Bike Route No. 421.

TR4: Capital Metro bus service (Routes No. 135, 142, 174, 651, 684) is available along IH-35. Capital Metro bus service (Routes No. 7 & 10) is available along Middle Fiskville Road.

TR5: There are existing sidewalks along IH-35, Middle Fiskville Road, and Tirado Street.

TR6: Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
IH-35	Varies	FWY-8	Freeway	220,000
Middle Fiskville Rd.	80'	57'	Collector	7,760
Tirado Street	50'	30'	Collector	3,670

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. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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.
4. According to flood plain maps, there is no flood plain within the project area.
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 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. 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: August 16th, 2012

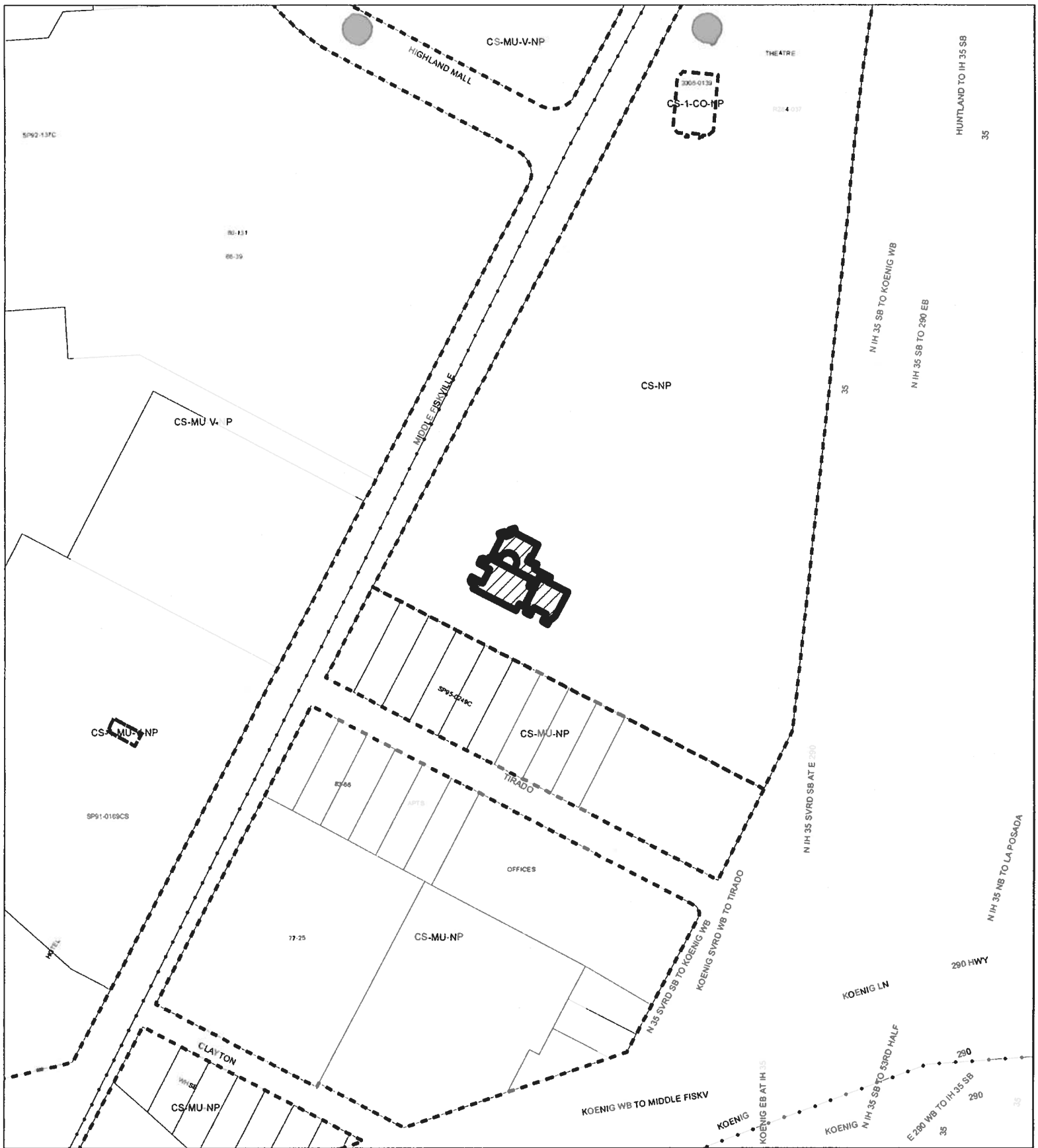
ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691






ZONING

ZONING CASE#: C14-2012-0066



1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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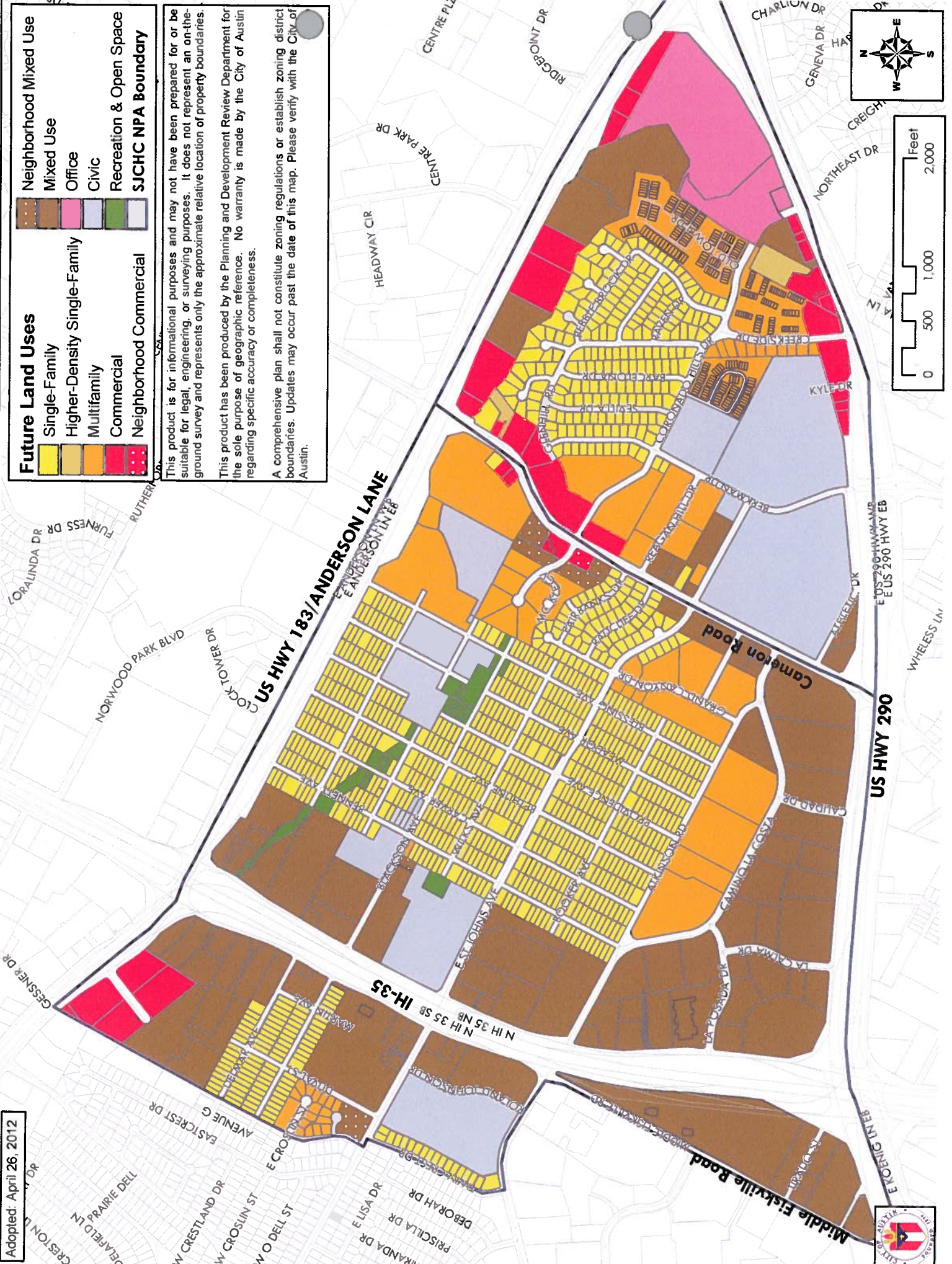




SUBJECT TRACT

City of Austin / Coronado Hills Combined Neighborhood Planning Area - Future Land Use Map

Adopted: April 26, 2012



- Promote more trees and lighted sidewalks along corridors.
- Support visual improvements along corridors to help slow traffic.

The following objectives and recommendations address transitions between the intensity of surrounding highways and SJCHCNPA community life, specifically residential uses. Additionally, focus is given to increasing connectivity and accessibility to land uses, such as commercial services. Increasing this accessibility provides SJCHCNPA residents the ability to meet daily needs via multiple-modes of transportation (i.e. walking, biking, etc.). As noted in this section, the Transportation chapter of this plan provides objective and recommendations aimed to increase neighborhood connectivity and transportation options.

Objective L.4: Provide adequate transitions and buffers between the intensity of US HWY 183, US HWY 290 and IH 35 and community life in SJCHCNPA.

Recommendation 191: Use Mixed Use land use and Commercial land use to soften the transition between US HWY 183, US HWY 290 and IH 35 and residential uses.

Recommendation 192: Consider the use of vegetated buffers and landscaping to provide a buffer between existing residential neighborhoods and the more intense, commercial uses.

Objective L.5: Increase neighborhood connectivity with a specific focus on the pedestrian environment in SJCHCNPA.

Recommendation 193: While preserving the Residential Cores (see section in plan), use Mixed Use land use to facilitate a more pedestrian friendly development pattern in SJCHCNPA (see St. John/Coronado Hills Combined Neighborhood Planning Area - Future Land Use Map).

Recommendation 194: Designate Cameron Road Corridor as a Core Transit Corridor (CTC) to enhance the pedestrian environment via implementation of design considerations such as wider sidewalks and street trees to name a few.

Objective L.6: Support community oriented business development along major commercial corridors.

Recommendation 195: Use Neighborhood Mixed-Use land use to facilitate community oriented neighborhood scale businesses and services in SJCHCNPA (Map 6).

Recommendation 196: Use Neighborhood Commercial land use at facilitate community oriented, neighborhood scale businesses and services in SJCHCNPA (Map 6).

Note: For more information, and specific objectives and recommendations related to transportation and neighborhood connectivity, see the Transportation chapter of the SJCHCNPA Neighborhood Plan.

AFFORDABLE HOUSING

Loayza, Katherine

From: Julie Weeks [REDACTED]
Sent: Sunday, November 21, 2010 8:17 PM
To: Loayza, Katherine
Cc: Deborah Gill; Heffington, John @ Austin; Lopez Al; E. M. Taylor; David Paige; Carolina Escamilla
Subject: Re: Lincoln Village - The Marchesa Theatre rezoning

Hi Katherine,

The St John Neighborhood Assn. Executive Board met tonight and discussed your proposal below. We are in favor of the zoning change with the inclusion of the bolded statement below. We will send a letter of support indicating this to the City of Austin and you this week.

Thank you so much for making the effort to reach out to us!

Julie Weeks

On Nov 17, 2010, at 1:41 PM, Loayza, Katherine wrote:

Julie,

Thank you for your time in discussing this proposed rezoning with the executive board of the St. Johns Neighborhood Association.

The following is a summary regarding the proposed rezoning of the current CS zoning for the old Monarch Theatre in the Lincoln Village Shopping Center. In the attached zoning map, I've highlighted the existing CS-1 zoning where Le Barre is located, and the proposed CS-1 for the theatre space which is at the very southern end of the shopping center.

The request is to rezone 10,000 square feet of the theatre site to CS-1 in order to be able to sell alcohol, not as a cocktail lounge use, but for the current indoor recreation/theatre uses that occur there now. The site meets all the distance requirements required for an alcoholic beverage permit and does not trigger compatibility requirements.

The best comparison of the use would be the Paramount Theatre, where one can purchase alcoholic beverages while you watch the show. The old Monarch theatre has been reconfigured and currently is now The Marchesa Theatre, comprised of 3 halls, with a lounge area in the main entrance hall. Different events are currently held at the theatre, from film shows (several of the halls have projection rooms and one has fixed seating), to different exhibitions, music venues, comedy shows, weddings, etc. during the holiday season, for example, there will be the Blue Genie Holiday Arts Bazaar.

The conversion of the old theatre space to this indoor entertainment use/exhibition hall venue is a much needed revitalization to this part of the shopping center what would otherwise remain vacant. The tenant would like to be able to obtain an alcoholic beverage permit in order to be able to be able to sell alcohol as desired by those leasing the space. This will help her business significantly, instead of selling alcohol via a catering permit.

We initially asked the City if we could prohibit cocktail lounge as a permitted use, as well as adult oriented business, liquor sales and pawn shop. Unfortunately, the City's ordinances automatically classify a use as a cocktail lounge if you sell alcoholic beverages, therefore, even though the use is indoor entertainment, we cannot prohibit cocktail lounge use. **We would agree to a public restrictive covenant that if the use changed, the zoning would be downzoned back to CS, or as a condition to the zoning, agree to a periodic review of sales receipts to confirm that liquor sales are less than 49%, since we cannot expressly prohibit cocktail lounge as a permitted use.** However, since this is not a restaurant use, the comparison of sales would have to be from leasing the space and other related costs, not just food sales.

SCANNED

We feel that whatever we can do to assure the neighborhood that this is not going to be a cocktail lounge use is important in order to gain your support of the requested rezoning. Again, thank you for your time and we look forward to a dialogue with the neighborhood about this proposal.

Katherine P. Loayza
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<Lincoln Village rezoning proposal.pdf>

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