

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-9  
AGENDA DATE: Thu 08/26/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0095 - Sherlock's Baker Street Pub and Grill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9012 Research Blvd. (Little Walnut Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning to commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant: Austin Home Center Associates (David Mills). Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades. 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-04-0095

**P.C. DATE:** July 13, 2004  
July 27, 2004

**ADDRESS:** 9012 Research Blvd.

**C.C. DATE:** August 26, 2004

**OWNERS:** Austin Home Center Associates  
(David Mills)

**AGENT:** Crocker Consultants  
(Sarah Crocker)

**ZONING FROM:** CS-NP

**TO:** CS-1-CO-NP

**AREA:** .222 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed change to commercial liquor sales-neighborhood plan-conditional overlay (CS-1-CO-NP) combining district zoning. The conditional overlay limits vehicle trips to 2,000 per day.

### **PLANNING COMMISSION RECOMMENDATION:**

July 13, 2004 – Postponed at the request of the applicant to July 27, 2004 (Vote: 9-0).

July 27, 2004 – Approved commercial liquor sales-neighborhood plan-conditional overlay (CS-1-NP-CO) combining district zoning. The conditional overlay limits vehicle trips to 2,000 vehicle trips per day and prohibits adult oriented businesses (8-0, J. Newton – absent).

### **DEPARTMENT COMMENTS:**

The applicant is requesting the proposed change a previous restaurant space (UR Cooks), within an existing shopping center into a bar.

The subject tract is within the boundaries of the Crestview/Wooten Neighborhood Planning Area. The Plan was approved by City Council on April 1, 2004. The Future Land Use Map designates the property as commercial. Since the change is only to add alcohol sales as a permitted use, the change will not trigger the need for a Plan Amendment. The plan does not prohibit future alcohol sales for this tract.

### **EXISTING ZONING AND LAND USES:**

	<b><u>ZONING</u></b>	<b><u>LAND USES</u></b>
<i>Site</i>	CS-NP	Shopping Center
<i>North</i>	Not Zoned	Hwy 183
<i>South</i>	CS-NP	Office / Warehouse
<i>East</i>	CS-NP CS-1-NP	Vacant Vacant
<i>West</i>	CS-NP	Bowling Alley, Retail, Auto Repair

**AREA STUDY:** Crestview Wooten N.P.

**TIA:** N/A

**WATERSHED:** Little Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

#045 – North Austin Civic Alliance  
#092 – Wooten Neighborhood Association  
#283 – North Austin Neighborhood Alliance  
#511 – Austin Neighborhoods Council

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-98-0231	LI to CS-1-CO	Approved CS-1-CO. The CO prohibits adult oriented businesses and limits the site to 2,000 trips per day (Vote: 9-0). 1/19/99.	Approved PC recommendation (Vote: 7-0). 5/6/99.

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
US Hwy 183	Varies	Varies	Major Arterial	N/A

**CITY COUNCIL DATE:** July 26, 2004

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

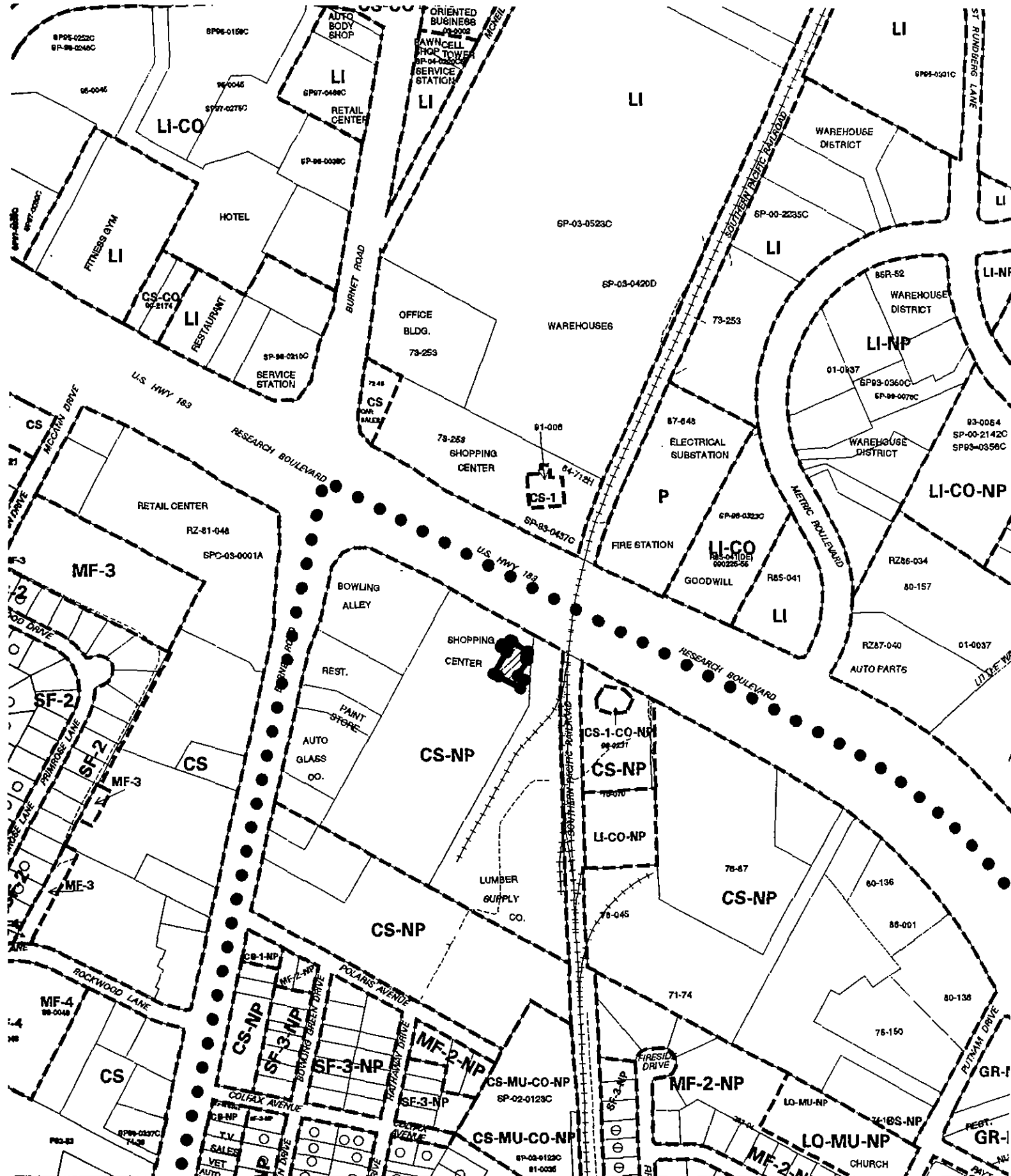
3<sup>rd</sup>

**ORDINANCE NUMBER:**

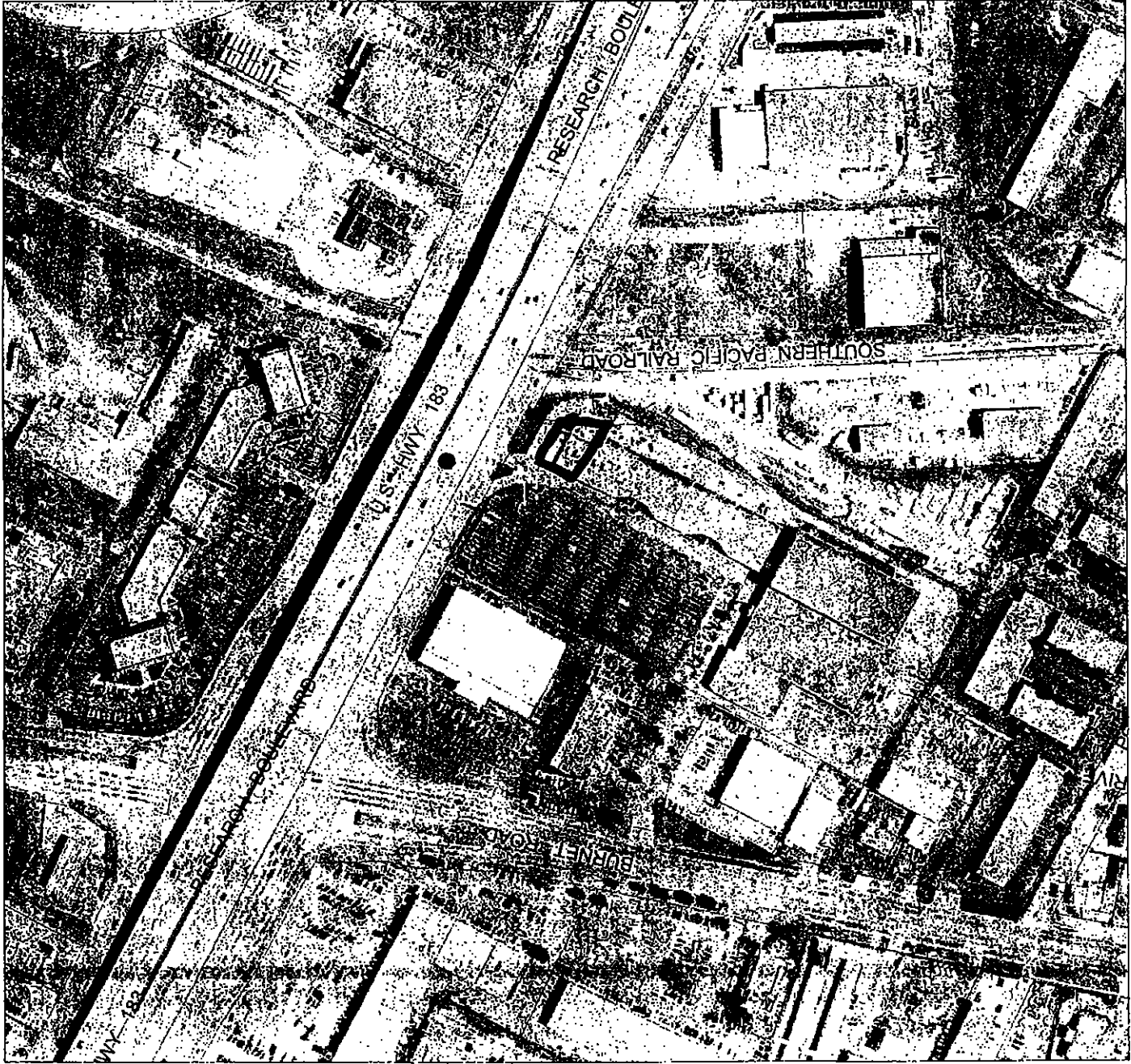
**CASE MANAGER:** Glenn Rhoades

**PHONE:** 974-2775

**E-MAIL:** glenn.rhoades@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		<b>ZONING</b>	CITY GRID REFERENCE NUMBER  K31
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: G. RHOADES			
CASE #: C14-04-0095			DATE: 04-08	
ADDRESS: 9012 RESEARCH BLVD				
SUBJECT AREA (acres): 0.222			INTLS: SM	



# City of Austin Infrastructure Support Services



Case C14-04-0095

Base  
Subdivision



This map has been produced by the City of Austin as a working draft map and it is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission from Infrastructure Support Services, City of Austin.

## **STAFF RECOMMENDATION**

Staff recommends the proposed change to commercial liquor sales-neighborhood plan-conditional overlay (CS-1-CO-NP) combining district zoning. The conditional overlay limits vehicle trips to 2,000 per day.

## **BASIS FOR RECOMMENDATION**

*The proposed zoning should be consistent with the purpose statement of the district sought.*

CS-1 – Commercial Liquor Sales is intended predominantly for commercial and industrial activities of a service nature, which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

The proposed change meets the purpose statement set forth in the Land Development Code. The subject tract is adjacent to, and will have access to Hwy. 183. In addition, it is located in a commercial area away from residential environments.

*The proposed zoning should promote consistency, and orderly planning.*

The proposed change is consistent and compatible with the surrounding area. The adjacent properties are zoned commercial and used for a variety of retail and office/warehouse type uses.

*The proposed zoning should allow for a reasonable use of the property.*

The proposed change will give the owner a fair and reasonable use of the site, due to the commercial character of this portion of Research Blvd.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a shopping center.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 23,768 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

Capital Metro bus service is available along Burnet Road (Route #44).

### **Impervious Cover**

The maximum impervious cover allowed under CS-1 zoning is 95%. However, the site is currently developed with a shopping center.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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 Drinking Water Protection Zone/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.

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

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slopes, or other environmental features such as bluffs, springs, canyon rim rock, 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.

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.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria and specifications.

### **Compatibility Standards**

The proposed rezoning is for a change of use in an existing commercial center. The proposed use will require the approval of a Conditional Use Permit, but this site will not be subject to compatibility development regulations.



**DISCUSSION AND ACTION**

- 3. Zoning: C14-04-0030 - Time Insurance, Inc.**  
 Location: 1405 & 1415 Riverside Drive, Town lake Watershed, East Oltorf/Riverside NPA  
 Owner/Applicant: John Schuler  
 Agent: Thrower Design (Ron Thrower)  
 Request: SF-3, LO to GR-MU  
 Staff Rec.: **Alternate Recommendation GR-MU-CO**  
 Staff: Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**Kyle ZumBerge**, said that the neighborhood met with Ron Thrower July 15. Ron is in favor a two-week postponement. The neighborhood met this week. Two weeks is not enough time to discuss the issues, such as scale of the commercial development. He explained that the neighborhood wants to meet the last week of September. He will be in town the first week of August but he has another meeting. He is the spokesperson for the neighborhood, and those present are part of the South River City Citizens. He started the negotiations and one of the influences to try to work with Ron Thrower.


**Ron Thrower**, representing John Schuler, is not in favor of a postponement. The zoning case has was filed in February- they did meet last week with the neighborhood. Meeting went well compromises were made, but two months is excessive. There are two more additional meetings scheduled. If additional time is needed, another postponement can be requested in two weeks.

Commissioner Moore asked about when the notices were mailed out for the zoning case. Ms. Beaudet explained that a notice of filing is mailed out within 10 days of the application being filed.

**MOTION: POSTPONE TO AUGUST 10, 2004**

**VOTE: 8-0 (JR-1st, MM-2<sup>nd</sup>; JN-ABSENT)**

Commissioner Reddy and Moore said that there are upcoming two meetings. Commissioner Sullivan pointed out that the Commission can postpone the case again.

-  **4. Zoning: C14-04-0095 - Sherlock's Baker Street Pub**  
 Location: 9012 Research Blvd, Little Walnut Creek Watershed, Crestview/Wooten NPA  
 Owner/Applicant: Austin Home Center Associates (David Mills)  
 Agent: Crocker Consultants (Sarah Crocker)  
 Request: CS-NP to CS-1-NP  
 Staff Rec.: **RECOMMENDED**  
 Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

Mr. Rhoades Staff recommendation okay with CO to prohibit adult-oriented uses.

## PUBLIC HEARING

**Sarah Crocker** said this is the old UR Cooks site. She explained what Sherlock's Baker Street Pub is. She did meet with the Wooten neighborhood representative and they are working on developing conditions.

**Steve Rogers**, a member of the Wooten Neighborhood Association, said the neighborhood is agreeable to the proposal. There are no residential uses adjacent to the site, however his assignment is that he is here to support the current proposal as described. It was explained to him by the City that there is not a way to tie the zoning to the particular business.

Commissioner Hollon asked about the vacant CS-1 zoning down the street. Ms. Crocker said that is the site of the old bar called The Syndicate that was not open for very long. She added that the zoning does not allow the opening of a cocktail lounge. A conditional use permit will have to be requested, and so they are working on conditions for the CUP, such as requiring a full kitchen as a condition of operating a cocktail lounge. A conditional use permit does not have an expiration date. Ms. Crocker asked if there is a way to impose an expiration date on the CUP. Legal is looking at that possible condition, and hopefully that will be worked out before now and Council.

Commissioner Riley asked Mr. Rogers what their concerns are. Mr. Rogers said that the neighborhood does not have concerns if that is what is operating there. The concern is that there be a matter of comfort that nothing trashy goes onto the site.

Commissioner Hollon asked if there is a way to tie zoning to conditional use permit. Ms. Crocker said they used to be able to do that until 1994. They are working on the conditional use permit, and have confirmed from the Legal Department that they can add a note to the permit stating a full kitchen must be present if alcohol is served. TABC license can be protested at a public hearing too if the neighborhood does not approve of the business.

Ms. Crocker stressed that the use cannot operate without the conditional use permit.

Commissioner Riley confirmed with Mr. Rogers that the neighborhood is not opposed to the rezoning, just has a fear of what could go there in the future.

### ***MOTION: CLOSE PUBLIC HEARING***

***VOTE: 8-0 (DS-1<sup>st</sup>, JMC-2<sup>nd</sup>; JN-ABSENT)***

### ***MOTION: APPROVE CS-1-NP ZONING***

***VOTE: 8-0 (DS-1<sup>st</sup>, JMC-2<sup>nd</sup>; JN-ABSENT)***

Commissioner Sullivan said he normally does not support CS-1 zoning, but it is not near a residential neighborhood. He added that any zoning can bring uncertainty, even other commercial districts and residential districts.



ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 9012 RESEARCH BOULEVARD IN THE WOOTEN  
3 NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-  
4 NEIGHBORHOOD PLAN (CS-NP) COMBINING DISTRICT TO COMMERCIAL-  
5 LIQUOR SALES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-  
6 CO-NP) COMBINING DISTRICT.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
9

10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from general commercial services-neighborhood plan (CS-NP)  
12 combining district to commercial-liquor sales-conditional overlay-neighborhood plan (CS-  
13 1-CO-NP) combining district on the property described in Zoning Case No. C14-04-0095,  
14 on file at the Neighborhood Planning and Zoning Department, as follows:

15  
16 A 0.222 acre tract of land (9,679 square feet), more or less, out of the George W.  
17 Davis Survey No. 15, in Travis County, the tract of land being more particularly  
18 described by metes and bounds in Exhibit "A" incorporated into this ordinance,  
19 (the "Property")

20  
21 locally known as 9012 Research Boulevard, in the City of Austin, Travis County, Texas,  
22 and generally identified in the map attached as Exhibit "B".

23  
24 PART 2. The Property is subject to Ordinance No. 040401-32A that established the  
25 Wooten neighborhood plan combining district.

26  
27 PART 3. The Property within the boundaries of the conditional overlay combining district  
28 established by this ordinance is subject to the following conditions:

- 29  
30 1. A site plan or building permit for the Property may not be approved, released, or  
31 issued, if the completed development or uses of the Property, considered cumulatively  
32 with all existing or previously authorized development and uses, generate traffic that  
33 exceeds 2,000 trips per day.  
34  
35 2. Adult oriented businesses use is a prohibited use of the Property.  
36

1 Except as specifically restricted under this ordinance, the Property may be developed and  
2 used in accordance with the regulations established for the commercial liquor sales (CS-1)  
3 base district and other applicable requirements of the City Code.  
4

5 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.  
6  
7

8 **PASSED AND APPROVED**  
9

10 \_\_\_\_\_, 2004  
11  
12

§  
§  
§  
§

13 Will Wynn  
14 Mayor  
15

16  
17 **APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

18 David Allan Smith  
19 City Attorney

Shirley A. Brown  
City Clerk

# EXHIBIT A

## LEGAL DESCRIPTION FOR 0.222 ACRE (9,679 SQUARE FEET)

DESCRIBING 0.222 ACRE (9,679 SQUARE FEET) OF LAND SITUATED IN THE GEORGE W. DAVIS SURVEY NO. 15 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING A PORTION OF THE 8.007 ACRE REMAINDER OF LOT A, SCHNIP I, A SUBDIVISION OF RECORD IN PLAT BOOK 76, PAGE 349, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.) ; SAID 0.222 ACRE (9,679 SQUARE FEET) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 5/8" iron rod found at the southwest corner of that 0.692 acre tract conveyed to the State of Texas for Right-of-Way purposes by judgment recorded in Volume 10989, Page 1077, Real Property Records of Travis County, Texas (R.P.R.T.C.T.) and re-recorded in Volume 11011, Page 274, R.P.R.T.C.T.; said point being in the current southwest right-of-way (r.o.w.) line of Research Boulevard (U.S. Highway 183), in the northwest line of said Lot A, Schnip I, in the southeast line of Lot 1-A, Resubdivision of a portion of Lot 1, Mayfield Public Freight Tracks, a subdivision of record in Plat Book 72, Page 69, P.R.T.C.T.;

THENCE with the southwesterly r.o.w. line of Research Boulevard (U.S. Highway 183), along a curve to the right with a radius of 2,853.29 feet, an arc length of 29.85 feet and whose chord bears South 58°38'05" East, a distance of 29.85 feet to a TXDOT brass cap monument found at 125.00 feet right of TXDOT centerline station 312+61.29;

THENCE continuing with the southwesterly r.o.w. line of Research Boulevard (U.S. Highway 183), South 58°36'22" East, a distance of 227.93 feet to a point;

THENCE through the interior of said 8.007 acre remainder of Lot A, Schnip I, South 31°23'38" West, a distance of 53.23 feet to the POINT OF BEGINNING of the herein described tract; and from said beginning point run the following seventeen (17) courses and distances:

- 1) South 31°23'38" West, a distance of 3.95 feet to a point for corner;
- 2) South 59°23'16" East, a distance of 58.42 feet to a point for corner;
- 3) South 30°36'20" West, a distance of 8.26 feet to a point for corner;
- 4) South 59°23'41" East, a distance of 4.00 feet to a point for corner;
- 5) South 30°36'19" West, a distance of 9.70 feet to a point for corner;
- 6) South 59°23'41" East, a distance of 4.40 feet to a point for corner;
- 7) South 30°36'19" West, a distance of 7.90 feet to a point for corner;

- 8) South 59°23'41" East, a distance of 4.60 feet to a point for corner;
- 9) South 30°36'19" West, a distance of 60.55 feet to a point for corner;
- 10) South 59°23'41" East, a distance of 25.03 feet to a point for corner;
- 11) South 30°36'19" West, a distance of 31.43 feet to a point for corner;
- 12) North 59°23'41" West, a distance of 96.74 feet to a point for corner;
- 13) North 30°43'13" East, a distance of 87.87 feet to a point for corner;
  
- 14) North 59°06'43" West, a distance of 23.82 feet to a point for corner;
- 15) North 29°12'32" East, a distance of 9.03 feet to the beginning of a non-tangent curve;
- 16) Along a curve to the right with a radius of 24.54 feet, an arc length of 31.75 feet and whose chord bears North 66°54'03" East, a distance of 29.58 feet to the end of the curve;
- 17) South 67°23'05" East, a distance of 6.77 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 0.222 acre (9,679 square feet) of land, more or less, as computed by The Wallace Group, Inc. in June, 2004.

  
Vana H. Proffitt, R.P.L.S. #5779

6-7-04  
Date



Bearing Basis: Southwest line of Research Blvd. (U.S. Highway 183) r.o.w between TXDOT brass disk concrete monuments found per Judgment recorded in Volume 10989 Pg. 1077, RPRTCT, and re-recorded in Volume 11011 Pg. 274, RPRTCT, N61°16'47"W 374.77' rotated 2°40'25" clockwise to Schnip I bearing basis, for bearing of N58°36'22"W 374.77' on this survey.

See attached map.  
Plat #A-RR4123  
17473FN01.doc

DRAWING TO ACCOMPANY  
FIELD NOTE DESCRIPTION OF  
A 0.222 ACRE (9,679 S.F.) TRACT  
9012 RESEARCH BLVD.

● = 1/2" IRON ROD FOUND  
(UNLESS OTHERWISE NOTED)  
■ = TxDOT BRASS DISK MONUMENT

P.R.T.C.T. = PLAT RECORDS OF  
TRAVIS COUNTY, TEXAS

D.R.T.C.T. = DEED RECORDS OF  
TRAVIS COUNTY, TEXAS.

R.P.R.T.C.T. = REAL PROPERTY RECORDS OF  
TRAVIS COUNTY, TEXAS.

STATE OF TEXAS JUDGMENT FOR  
0.692 ACRES  
VOL. 10989 PG. 1077, & RE-RECORDED VOL. 11011 PG. 274,  
RPB TCT

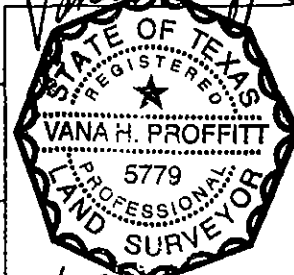
FIELD NOTE  
POINT OF  
BEGINNING  
0.222 ACRE TRACT  
(9,679 S.F.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	3.95'	S31°23'38"W
L2	58.42'	S59°23'16"E
L3	8.26'	S30°36'20"W
L4	4.00'	S59°23'41"E
L5	9.70'	S30°36'19"W
L6	4.40'	S59°23'41"E
L7	7.90'	S30°36'19"W
L8	4.60'	S59°23'41"E
L9	60.55'	S30°36'19"W
L10	25.03'	S59°23'41"E
L11	31.43'	S30°36'19"W
L12	86.74'	N59°23'41"W
L13	97.87'	N30°43'13"E
L14	23.82'	N59°06'43"W
L15	9.03'	N29°12'32"E
L16	6.77'	S67°23'05"E

0.222 ACRE TRACT  
(9,679 S.F.)

## The Wallace Group, Inc.

One Chisholm Trail, Suite 130, Round Rock, Texas 78681 (512) 248-0065  
Engineers ■ Architects ■ Planners ■ Surveyors  
Waco ■ Killeen ■ Austin ■ Dallas ■ Round Rock



SCALE

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PLAT NO. A-RR4123 DRAFT DATE 06-07-04 DRAWN BY SRM/BKS  
 WORK ORDER NO. 17473 FIELDBOOK/PG. 776/16 TAB # A-4123  
 DIGITAL FILE 17473EXH-ZONING.DWG F/N # 17473-FN01

3 OF 3

