

A U S T I N C I T Y C O U N C I L
AGENDA

Thursday, August 24, 2006

 + [Back](#) [Print](#)**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 80**

Subject: C14-06-0126 - Warehouse Saloon - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4110 Terry-O Lane (Blunn Creek Watershed) from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Staff Recommendation: To grant 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: Twin Oaks Associates, Ltd. (Scott Jung). Agent: Vincent Gerard & Associates (Vince G. Huebinger). City Staff: Wendy Walsh, 974-7719.

Additional Backup Material

(click to open)

- [Staff Report](#)
- [Ordinance](#)

For More Information: Wendy Walsh, 974-7719.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0126

P.C. DATE: July 25, 2006
August 8, 2006

ADDRESS: 4110 Terry-O Lane

OWNER: Twin Oaks Associates, Ltd.
(Scott Jung)

AGENT: Vincent Gerard & Associates,
Inc. (Vince G. Huebinger)

ZONING FROM: LI-PDA-NP **TO:** CS-1-NP **AREA:** 1.420 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial – liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

July 25, 2006: *APPROVED A POSTPONEMENT REQUEST TO 08/08/06 (STAFF).*
[J. REDDY, K. JACKSON 2ND] (8-0) P. CAVAZOS – NOT YET ARRIVED

August 8, 2006: *APPROVED CS-1-CO-NP DISTRICT ZONING AS STAFF*
RECOMMENDED; BY CONSENT.
[J. REDDY, M. DEALEY – 2ND] (8-0)

ISSUES:

This property was part of Tract 102 in the East Congress Neighborhood Plan Rezoning completed in August 2005 and was rezoned from CS-1 and LI to LI-PDA-NP. The Planned Development Area establishes a cocktail lounge as a conditional use and establishes development standards including a maximum impervious cover of 85%.

In 2005 an outside deck was built in order to comply with the City's smoking in public places ordinance and a parking area near the south property line was also added. In January 2006, an environmental red tag was issued to the property owner citing that the deck and parking area addition were not in compliance with the site plan approved in 1983.

DEPARTMENT COMMENTS:

The subject property is developed with a cocktail lounge use that was established in 1983 by a zoning case with an attached site plan. Although the property has frontage on Ben White Boulevard, driveway access is limited to Terry-O Lane. Commercial uses are located along Ben White Boulevard and there is an established industrial area to the south. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant plans to continue the cocktail lounge use and proposes to rezone the property to commercial – liquor sales (CS-1) district zoning in accordance with its use and the allowable impervious cover of 95%. Staff recommends CS-1 zoning for the property, based on the following considerations: 1) the proposed use is compatible with the surrounding commercial and industrial uses; 2) it is located at a distance from the nearest residential neighborhood (approximately ½ mile); and, 3) access will be taken from a major arterial roadway and a collector street.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-PDA-NP	Cocktail lounge
<i>North</i>	N/A	Frontage road and main lanes of Ben White Boulevard
<i>South</i>	LI-CO-NP	Manufacturing; Supply companies
<i>East</i>	LI-PDA-NP	Furniture sales; Vacant commercial building; Restaurant (general); Fast food restaurants; Auto salvage
<i>West</i>	LI-PDA-NP	Furniture sales; Adult lounge; Auto sales; Convenience storage

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Blunn Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association
 74 – South River City Citizens Assn.
 96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 498 – South Central Coalition
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 995 – South Austin Commercial Alliance

SCHOOLS:

Galindo Elementary School Bedichek Middle School Travis High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0143 – Tract A	CS; LI to LI-PDA-NP	To Grant LI-PDA-NP	Approved LI-PDA-NP (10-20-05).
C14-05-0107	East Congress NP Rezoning	To Grant staff recommendations with conditions	Approved rezonings in conjunction with the neighborhood plan (8-18-05).
C14-94-0028	I-SF-3 to LI	To Grant LI-CO with conditions	Approved LI-CO with the CO limiting the square footage of several land uses (4-7-94).

RELATED CASES:

The subject property is platted as Lot 1 of Terry-O Center No. 2, a subdivision recorded in October 1983 (C8s-83-120). In September 1983, the south part of the site was zoned CS-1 (including the cocktail lounge) while the Ben White frontage retained LI district zoning. A site plan for the cocktail lounge use accompanied the zoning (C14r-83-105). Please refer to Exhibits B and C.

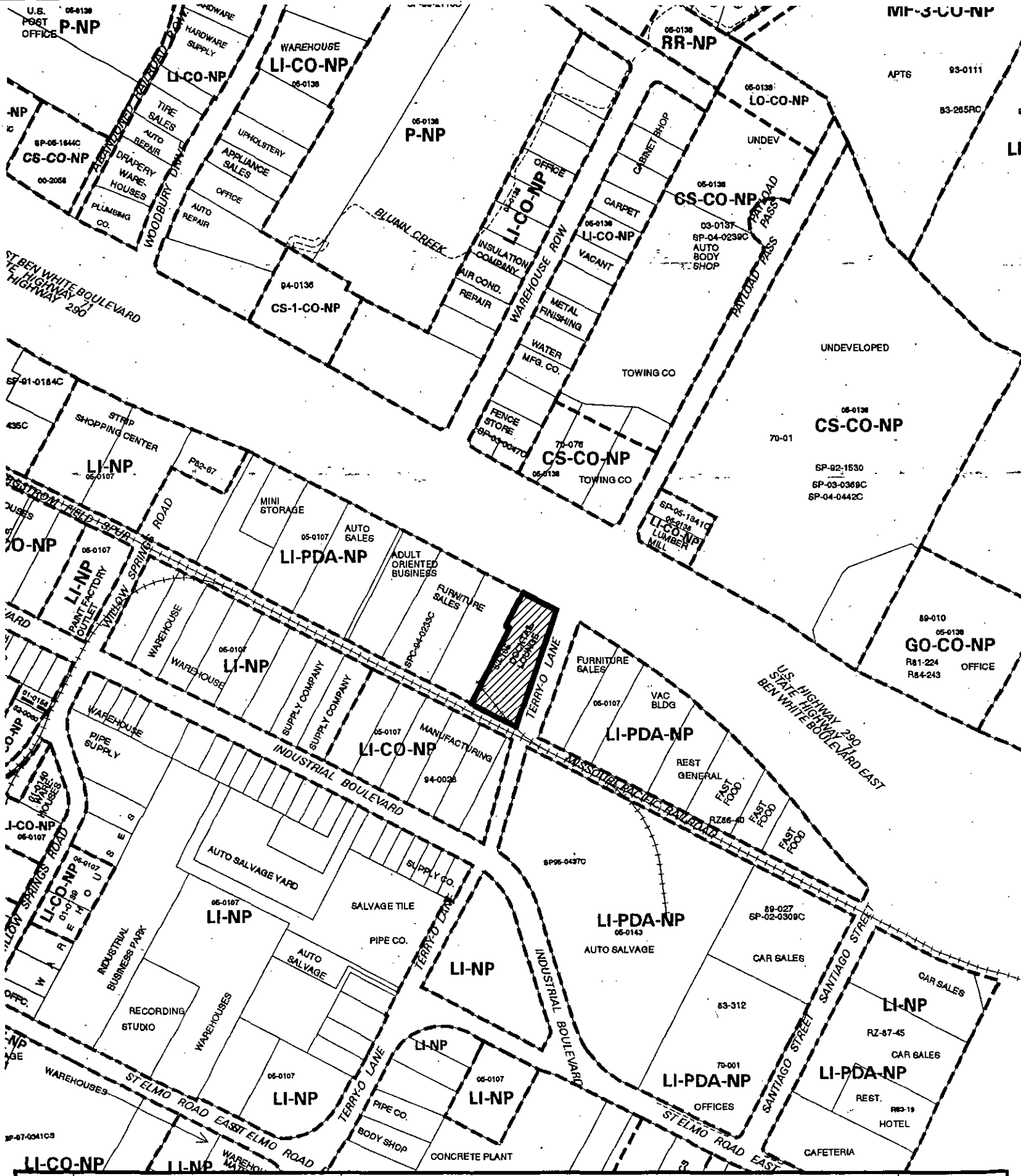
ABUTTING STREETS:




Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Ben White Boulevard	335 feet	Varies	Arterial	No	Yes	No
Terry-O Lane	80 feet	40 feet	Collector	No	No	No

CITY COUNCIL DATE: August 24, 2006**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:**

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



SUBJECT TRACT 
PENDING CASE 
ZONING BOUNDARY 
CASE MGR: WWALSH

CASE #: C14-06-0126
ADDRESS: 4110 TERRY O LN
SUBJECT AREA (acres): 1.420

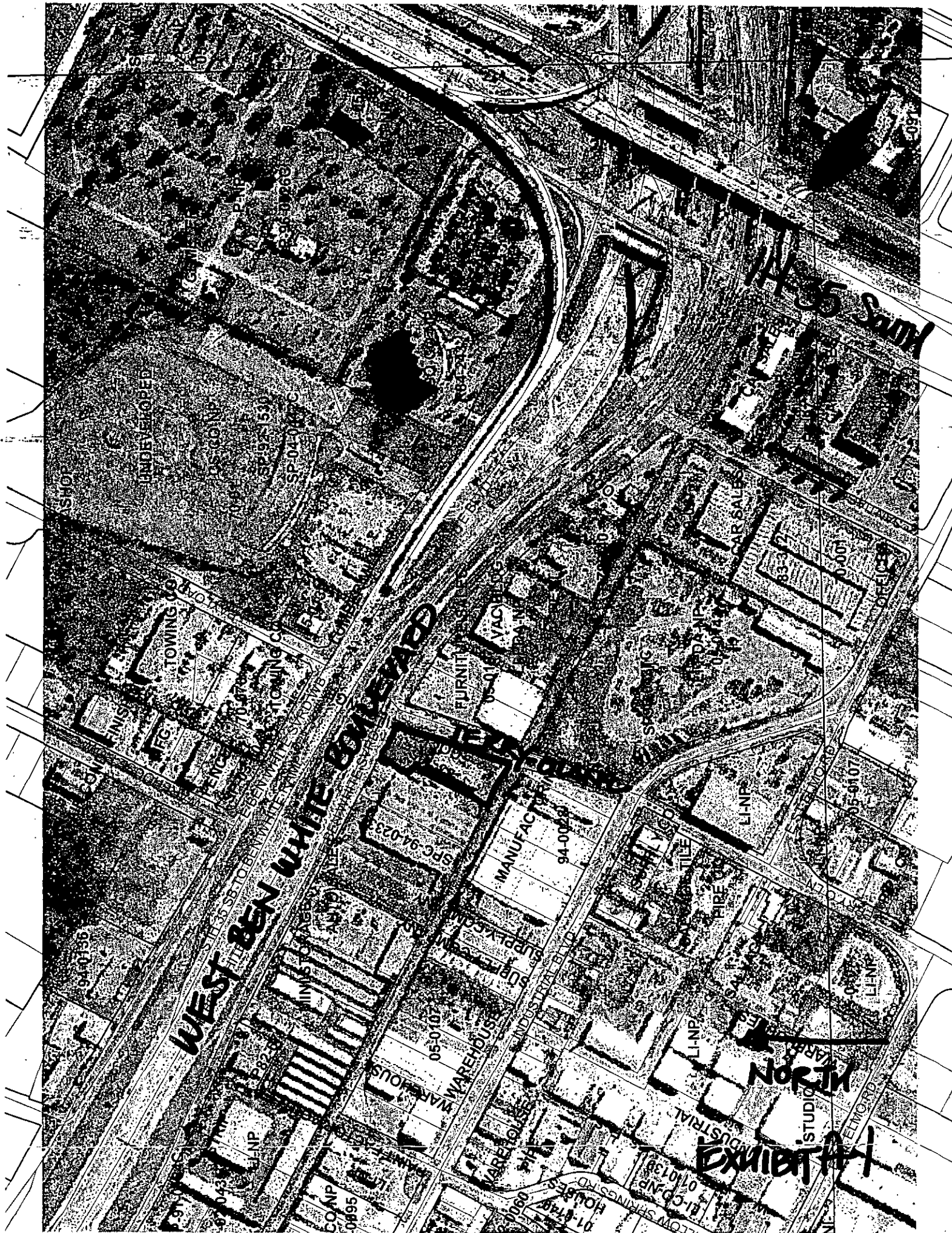
ZONING

EXHIBIT A

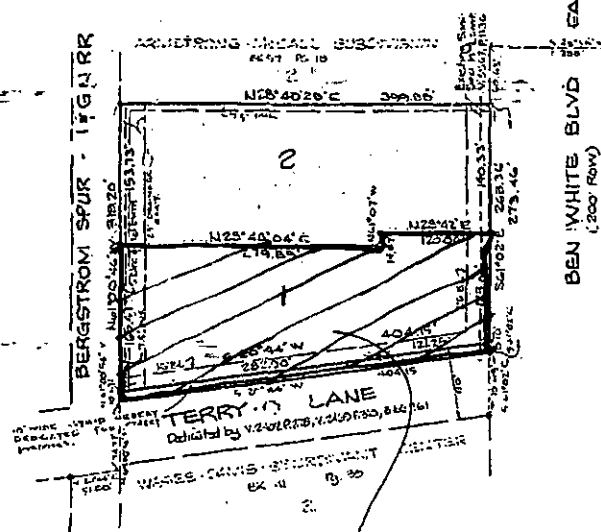
DATE: 06-07

INTLS: SM

CITY GRID
REFERENCE
NUMBER
H18



TERRY-O CENTER NO. 2



SCALE: 1"=100'

LEGEND:
● IRON PIN FOUND
○ IRON PIN SET

SUBJECT TRACT

LOCATION MAP
NO SCALE

REZONING
AREA

STATE OF TEXAS
COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS

That Twin Oaks and Associates, acting herein by and through its Managing Partner, Joe Jung, having its principal place of business in Austin, Travis County, Texas, owner of 2.77 acres of land out of the Isaac Tucker League in Travis County, Texas, having been Lots 1, 2, and 3, Terry-O Center, a subdivision in the City of Austin, Travis County, Texas, of record in Book 66 at Page 61, Plat Records of Travis County, Texas, said Lots having been vacated by instrument of record in Volume 8372 at Page 791 of the Deed Records of Travis County, Texas, conveyed to it by deeds of record in Volume 8162 at Page 807, Volume 9181, Page 56, and Volume 8099, Page 215, of the Deed Records of Travis County, Texas, do hereby subdivide said property in accordance with the attached plat, said subdivision to be known as

TERRY-O CENTER NO. 2

and do hereby dedicate to the public the streets and easements shown herein, subject to any easements or restrictions heretofore granted and still in force.

WITNESS MY HAND this 24th day of October A.D. 1983.

Joe Jung
Joe Jung, Managing Partner, Twin Oaks and Associates
P.O. Box 660
Austin, Texas 78767

STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared, Joe Jung, Managing Partner, Twin Oaks and Associates, known to me to be the person and partner whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same as the act and deed of said organization for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 24th day of October A.D. 1983.

John Harlow
John Harlow, Notary Public for Travis County, Texas
By Commission Expires 6-16-87

"I, Judith J. McGraw, am authorized under the laws of the State of Texas to practice the profession of Surveying and hereby certify that this plat complies with Chapter 13.3 of the Austin City Codes as true and correct; and was prepared from an actual survey of the property made under my supervision on the ground."

Surveyed by McGraw & McGraw Land Surveyors, Inc.
1301 Monarch Drive, Suite 6
Austin, Texas 78731 451-8592

Judith J. McGraw
Judith J. McGraw, Registered Professional Surveyor No. 2093 Date October 1983

APPROVED FOR ACCEPTANCE:

Richard M. Little
Richard M. Little, Director of Planning Date OCT 25, 1983

ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission of the City of Austin, Texas, on the 25 day of OCT A.D. 1983.

Gilbert M. Martinez
Chairman
Edith Landwehr
Secretary

FILED FOR RECORD, this the 27th day of Oct A.D. 1983 at 8:55 o'clock A.M.
Doris Shropshire, Clerk County Court, Travis County, Texas.

By L. Jones
Deputy

STATE OF TEXAS
COUNTY OF TRAVIS

I, Doris Shropshire, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 27th day of OCT A.D. 1983 at 8:55 o'clock A.M., and duly recorded on the 27th day of OCT A.D. 1983 at 9:20 o'clock A.M., in the Plat Records of said County in Book 83 at Page 206B.

WITNESS MY HAND AND SEAL OF THE COURT of said County, the day last written above.
Doris Shropshire, Clerk County Court, Travis County, Texas.

By L. Jones
Deputy

NOTE: Prior to construction on lots in this subdivision drainage plans will be submitted to the Public Works Department of the City of Austin for review. Rainfall runoff shall be held to the amount existing at undeveloped status by ponding or other approved methods.

100 YEAR FLOOD PLAIN NOTE:
This lot is not within an identified Special Flood Hazard Area as identified by the Federal Emergency Management Agency, Federal Insurance Administration, Flood Insurance Rate Map for the City of Austin, Travis County, Texas, Community Panel No. 480624 00000 dated 9-2-81. The Special Flood Hazard Area referred to includes the 100 Year Flood Plain.

NOTE: No lot in this subdivision shall be occupied until connection is made to a public water and sewerage system.

NOTE: Access to Ben White Boulevard will be limited to one driveway from lot 2. Access to Ben White Boulevard from lot 1 will be prohibited. Access to lot 1 will be limited to Terry-O Lane.

RECEIVED

JUN 29 1983
CITY PLANNING
CITY OF AUSTIN

CB5-83-120

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial – liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The commercial – liquor sales (CS-1) zoning district is intended 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.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends CS-1 zoning, based on the following considerations: 1) the proposed use is compatible with the surrounding commercial and industrial uses; 2) it is located at a distance from the nearest residential neighborhood (approximately ½ mile); and, 3) access will be taken from a major arterial roadway and a collector street.

EXISTING CONDITIONS**Site Characteristics**

The site is developed with a cocktail lounge use, outside deck and parking areas. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS-1 zoning district would be 95% which is based on the more restrictive zoning regulations. The amount of impervious cover shown on the approved (1983) site plan is 85.7%. The additional impervious cover associated with the deck and parking addition increased this total to 92%, which would be within the allowable impervious cover limit of CS-1 zoning.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Blunn 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. Impervious cover is not limited in this watershed class. These areas are 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.

Transportation

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

The trip generation under the requested zoning is estimated to be 7,803 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). The proposed 12,353sf cocktail lounge will generate approximately 1,400 vehicle trips per day.

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]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation. 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 design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Compatibility Standards

It appears that the existing use has a certificate of occupancy issued on 6/16/86 for 11,100 square feet of nightclub use. If any future development is requested a conditional use site plan will be required and commission approval is required.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4110 TERRY-O LANE IN THE EAST CONGRESS NEIGHBORHOOD PLAN AREA FROM LIMITED INDUSTRIAL SERVICE-PLANNED DEVELOPMENT AREA-NEIGHBORHOOD PLAN (LI-PDA-NP) COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-CO-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district on the property described in Zoning Case No. C14-06-0126, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1, Terry-O Center No. 2 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 83, Page 206B, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 4110 Terry-O Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

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

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

PART 4. The Property is subject to Ordinance No. 20050818-Z004 that established the East Congress neighborhood plan combining district.

1
2 **PART 5.** This ordinance takes effect on _____, 2006.

3
4
5 **PASSED AND APPROVED**

6
7
8
9 _____, 2006

§
§
§

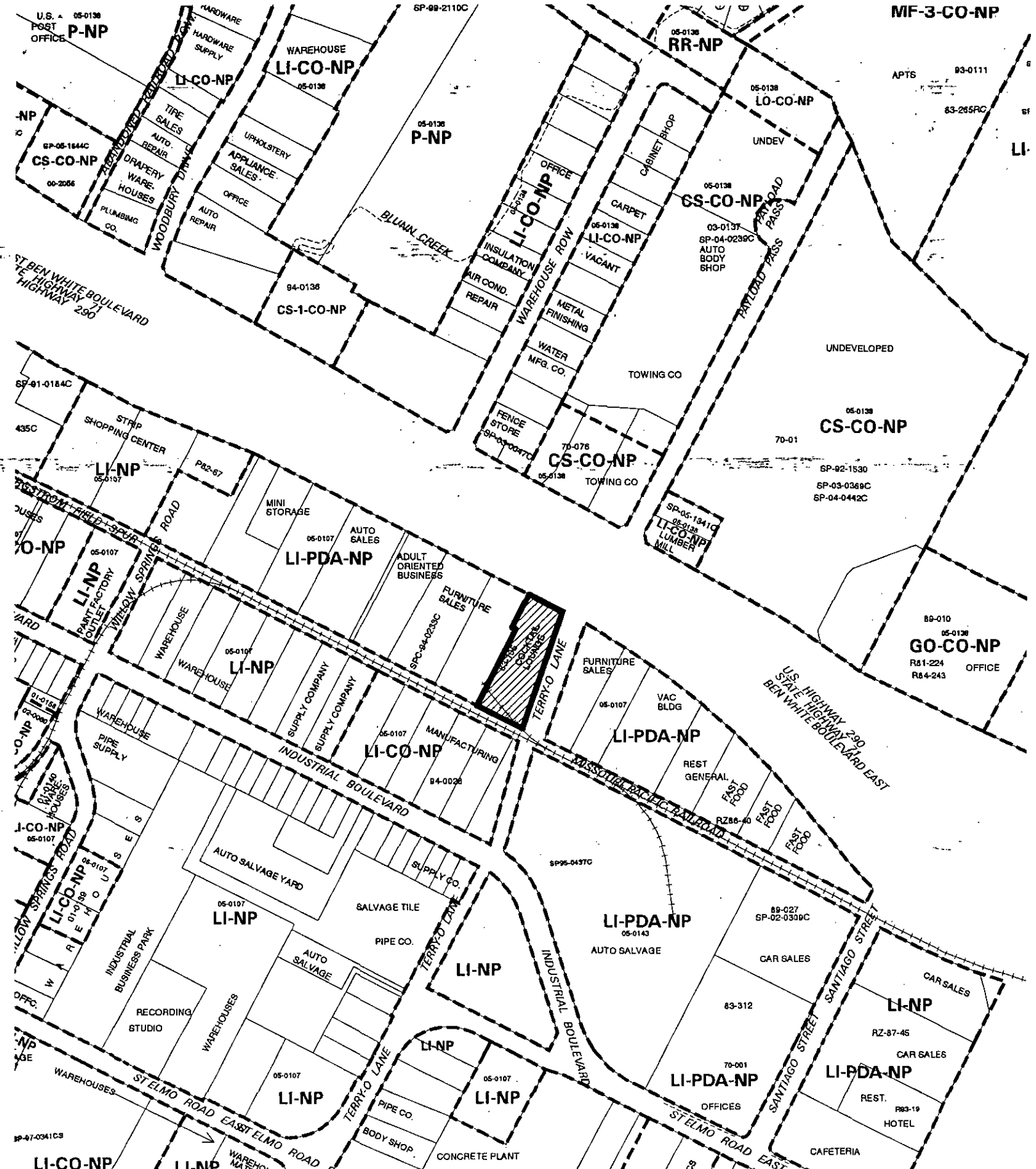
10 Will Wynn
11 Mayor

12
13
14 **APPROVED:**

15 David Allan Smith
16 City Attorney

ATTEST:

Shirley A. Gentry
City Clerk



1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: W.WALSH

ZONING EXHIBIT A

CASE #: C14-06-0126

ADDRESS: 4110 TERRY O LN

SUBJECT AREA (acres): 1.420

DATE: 06-07

INTLS: SM

CITY GRID REFERENCE NUMBER

H18