

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2009-0163

**P.C. DATE:** February 9, 2010

**ADDRESS:** 8565 Research Boulevard North Bound

**OWNER/APPLICANT:** O'Brien Cedrone Inc. (Alfredo Cedrone)

**AGENT:** Conley Engineering, Inc. (Carl Conley)

**ZONING FROM:** GR-NP    **TO:** CS-1-NP

**AREA:** 0.3328 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-1-CO-NP, Commercial-Liquor Sales-Conditional Overlay-Neighborhood Plan District, zoning. The conditional overlay would limit the site to less than 2,000 vehicle trips per day.

### **PLANNING COMMISSION RECOMMENDATION:**

2/09/10: Approved staff's recommendation of CS-1-CO-NP zoning by consent (8-0, J. Reddy-absent); C. Small-1<sup>st</sup>, D. Sullivan-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is a pad site that fronts Research Boulevard and is currently developed with a restaurant/bar use (Mister Tramps Sports Bar and Café). The lot is surrounded by commercial uses and GR district zoning to the north, south, east and west. There is a general retail sales-convenience use to the north (Target) and a general retail sales-general use to the south (R & R Discount Furniture). To the east there is a shopping center with retail, restaurant, and medical services uses (Sunflower Restaurant, T Liquor, Hair City, Jewelry Sales, Hong Kong Supermarket, Telecom Wireless Services, Travel Services, Town North Medical Clinic, PhoVan Vietnamese Cuisine, Din Ho Chinese Bar-B-Q). To the west, across Research Boulevard, there is another strip shopping center containing food sales, personal services, office, and service station uses (All in One Bake Shop, Tattoo and Piercings, Best Tix, Auto Insurance, Shell Station, La Familia Market).

The applicant is requesting CS-1-NP zoning to allow for a cocktail lounge at this location. The staff is recommending the applicant's request for CS-1-CO-NP, Commercial-Liquor Sales-Conditional Overlay-Neighborhood Plan Combining District, zoning because the property in question meets the intent of the CS-1 district. This tract of land fronts onto an arterial roadway, Research Boulevard (U.S. Highway 183). The proposed rezoning will be compatible with surrounding land uses as there are commercial and restaurant uses to the north, south, east and west of the site. The CS-1-CO-NP district would allow the applicant to utilize an existing restaurant structure to allow for new commercial uses on the site.

This lot is located within the North Austin Civic Association (NACA) Neighborhood Plan. The North Austin Civic Association Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on June 29, 2000. The boundaries of the planning area are: Kramer Lane to the north, Lamar Boulevard to the east, Highway 183 to the south and Metric Boulevard to the west. The future land

use map in the NACA plan calls for this tract to be Commercial. Therefore, a neighborhood plan amendment is not required in this case. In addition, the text of the neighborhood plan states that, "NACA will generally oppose requests for zoning changes or variances within the NACA boundaries if the action would result in...allowing the sale of alcoholic beverages, unless it is for those classified as Restaurant-General and allowing a "late hours" permit from the Texas Alcoholic Beverage Commission in order to serve alcohol between 12:00 midnight and 2:00 a.m." However, text states that these items apply to commercial property inside the neighborhood planning boundaries near residential uses, and do not apply to property located on Lamar Boulevard, Metric Boulevard or Research Boulevard.

The applicant agrees with the staff recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-NP	Restaurant (Mister Tramps Sports Bar and Café)
<i>North</i>	GR-NP	Retail Shopping Center (Sunflower Restaurant, T Liquor, Hair City, Jewelry Sales, Hong Kong Supermarket, Telecom Wireless Services, Travel Services, Town North Medical Clinic, PhoVan Vietnamese Cuisine, Din Ho Chinese Bar-B-Q)
<i>South</i>	GR-NP	Retail Shopping Center (All in One Bake Shop, Tattoo and Piercings, Best Tix, Auto Insurance, Shell Station, La Familia Market)
<i>East</i>	GR-NP	Retail Sales (R & R Discount Furniture), Restaurant (Church's Chicken)
<i>West</i>	GR-NP	Retail Sales (Target), Financial Services (Bank of America), Automotive Repair (Jiffy Lube)

**AREA STUDY:** North Austin Civic Association NP      **TIA:** Waived

**WATERSHED:** Little Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
Austin Neighborhoods Council  
Austin Monorail Project  
Austin Parks Foundation  
Crestview/Wooten Combined Neighborhood Plan Team  
Greater Northcross Area  
Homebuilders Association of Greater Austin  
Homeless Neighborhood Association  
League of Bicycling Voters  
NACA Neighborhood Plan Contact Team  
North Austin Civic Association  
North Growth Corridor Alliance  
North Austin Neighborhood Alliance  
Responsible Growth for Northcross

Sierra Club, Austin Regional Group  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.  
 Wooten Neighborhood Association

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0037	SF-2, SF-3, MF-2, MF-3, LO, LR, GR, CS, CS-1, LI, LI-CO to MF-2-NP, NO-NP, LO-NP, GR-NP, CS- NP, P-NP, LI-NP	4/17/01: Approved staff rec. of NO-NP, CS-NP, MF-2-NP, LO- NP, GR-NP, P-NP, LI-NP (9-0)	5/24/01: Approved PC rec. on all 3 readings (except Tract 9-on 1 <sup>st</sup> reading only); (6-0)  8/09/01: Approved CS-NP for Tract 9 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-00-2167	SF-3 to LR	9/12/00: Approved staff rec. by consent (6-0)	10/12/00: Approved LR with conditions (7-0); all 3 readings
C14-00-2151	SF-3 to GR	8/22/00: Approved staff rec. of GR-CO (8-0, SA-absent)	9/28/00: Approved GR-CO with conditions (7-0); all 3 readings

**RELATED CASES:** C14-01-0037 (North Austin Civic Association Neighborhood Plan Rezoning)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Side- walks	Bike Plan	Bus Routes
Research Blvd NB	170'	Varies'	Freeway	Yes	Shared Lane Exists/ Wide Curb Recommended	325 Ohlen 240 Parkfield

**CITY COUNCIL DATE:** March 11, 2010

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**ZONING CASE MANAGER:** Sherri Sirwaitis

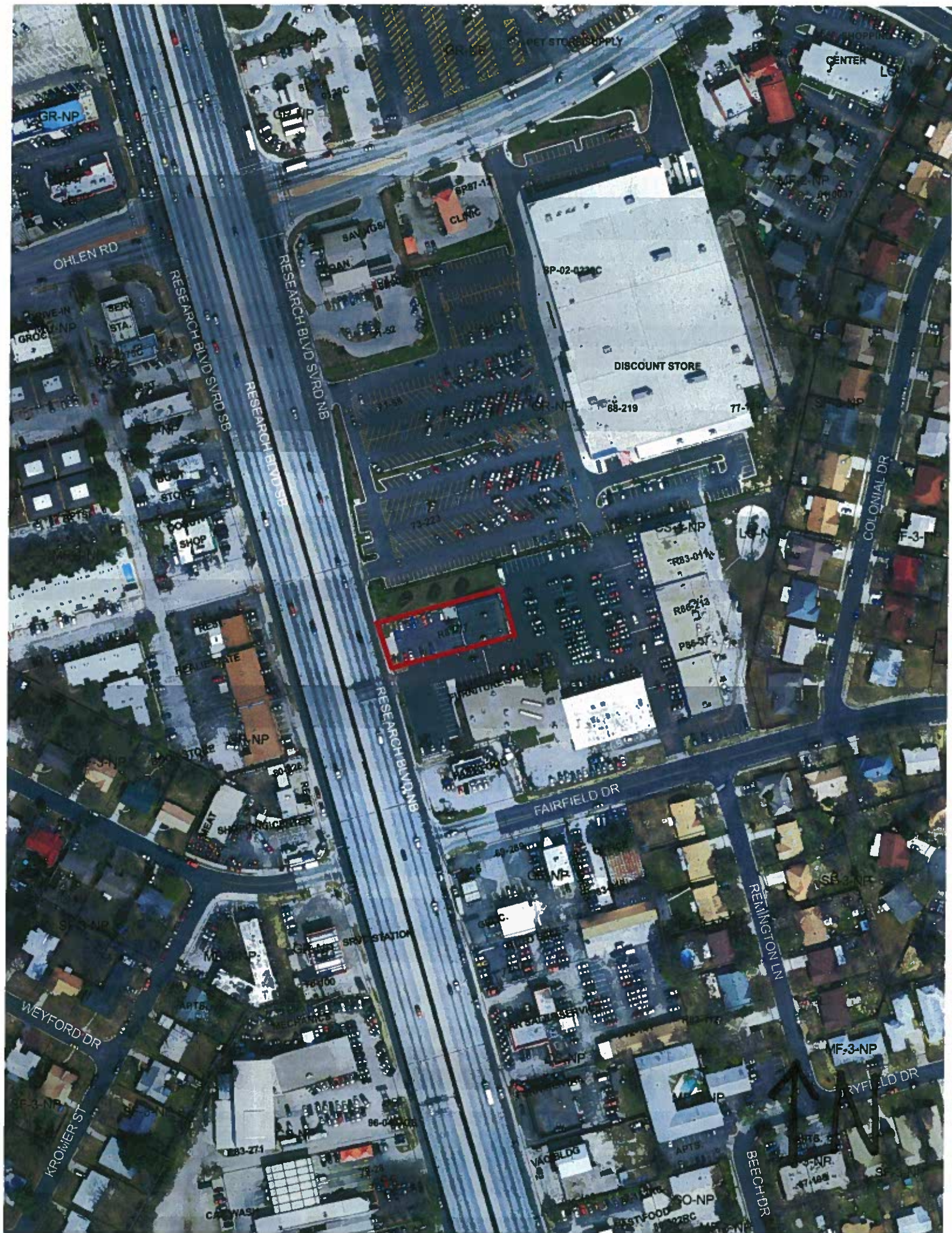
**PHONE:** 974-3057

**E-mail:** sherri.sirwaitis@ci.austin.tx.us



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







## **STAFF RECOMMENDATION**

The staff's recommendation is to grant CS-1-CO-NP, Commercial-Liquor Sales-Conditional Overlay-Neighborhood Plan District, zoning. The conditional overlay would limit the site to less than 2,000 vehicle trips per day.

### **BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):**

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

Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

The property in question fronts onto and takes access from Research Boulevard a major arterial roadway/freeway.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning will be compatible with surrounding land uses because there are commercial and restaurant uses to the north, south, east and west of the site.

3. *Zoning should allow for reasonable use of the property.*

The proposed re-zoning of the site to the CS-1-CO-NP district would allow the applicant to utilize an existing restaurant structure to allow for a new commercial uses on the site.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with a restaurant/bar (Mister Tramps Sports Bar and Café).

### **Environmental**

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 sq. ft. 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.

No trees are located on this property. 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.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

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 Desired Development Zone.

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

### **Site Plan/Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

This development of this site is subject to Commercial Design Standards. Research Blvd is the Principal Street, and is a Highway street type.

### **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.

### **Transportation**

Existing Street Conditions:

Name	ROW	Pavement	Classification	Side-walks	Bike Plan	Bus Routes
Research Blvd NB	170'	Varies'	Freeway	Yes	Shared Lane Exists/ Wide Curb Recommended	325 Ohlen 240 Parkfield

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]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.





# conley engineering, inc.

Civil Engineers • Land Planners • Development Consultants

December 14, 2009

Mr. Greg Guernsey, Director  
Planning & Development Department  
City of Austin  
PO Box 1088  
Austin, Texas 78767-8818

Re: Rezoning (C14R-81-077)  
8565 Research Boulevard

Dear Mr. Guernsey,

As engineer for the above referenced project, we are hereby requesting a zoning change from GR-NP to CS. The current use of the property is a restaurant and the proposed use is a neighborhood "cocktail lounge" or a bar.

There are no proposed changes to the existing building, parking or drainage for this site. The current site plan is included with this zoning application.

Parking requirements for the proposed use are summarized as follows:

## Required

Bar Area = 1900 SF	1 Space/100	= 19 Spaces
Office = 310 SF	1 Space/250 SF	= 1 Spaces
Storage = 1060 SF	1 Space/1000 SF	= <u>1</u> Spaces
	Total Required	21 Spaces

## Provided

Onsite	21 Spaces
Offsite	<u>65</u> (as needed per letter agreement)
Total Provided	86 Spaces

## Handicapped Parking

Required	1 Space
Provided	1 Space

The property owner has also gained approval for 65 additional parking spaces at a nearby location to act as overflow parking. See attached letter agreement.

Mr. Greg Guernsey

COA

12/14/09

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The existing building is located within an existing shopping center. The building is located within 500 LF of existing residential housing to the east. The building is 100 percent screened from the view of the residential properties by other buildings within the shopping center complex.

Please call me if you have any questions regarding this proposed zoning.

Sincerely,

Conley Engineering Inc.

A handwritten signature in black ink, appearing to read 'Carl P. Conley', with a stylized flourish extending to the right.

Carl P. Conley, P.E., R.P.L.S.

CPC: kk

TBPE Firm Registration #F-000277

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McCoy's Lawn Equipment  
8501 Research Blvd  
Austin TX 78758

August 6, 2009

Attn: Alfredo Cedrone  
Mister Tramps  
8565 Research Blvd  
Austin TX 78758

Ref: Parking

Alfredo:

This letter is to confirm our approval for your use of our parking spaces for your overflow parking needs.

The number of spaces available for your use will be in excess of 65 spaces.

I am also confirming that McCoy's Lawn Equipment is the owner of the property located at 8501 Research Blvd, and as the president and owner of McCoy's Lawn Equipment, I have full authority to approve this request.

Sincerely



J.P. Godfrey Jr.  
President

**Sirwaitis, Sherri**

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**From:** LaVon Nguyen [REDACTED]  
**Sent:** Thursday, January 07, 2010 6:52 PM  
**To:** Sirwaitis, Sherri  
**Subject:** C14-2009-0163

Dear Ms. Sirwaitis,

I am the owner of Hong Kong Supermarket. When I notice limited parking spaces on various week nights I spoke with my neighbors to ask what they know about it. They said that they were having problems with Mr. Tramps taking up many of the parking spaces that all of our customers use. It can get pretty crowded at Mr. Tramps on certain evenings. The parking is suppose to be for the tenants of this shopping center. I have spoke to the land lord and asked what was going on and he explained that he was having problems enforcing the parking.

Please be aware that the building that Mr. Tramps occupies, has limited spaces in the front of the building. We are a very busy shopping center and we need all the spaces we can get.

Thank you.

**LaVon Ward Nguyen**  
**Hong Kong Supermarket, Inc.**  
8557 Research Blvd. #130  
Austin, TX 78758  
512.203.0042 mp  
512.339.2069 store

1/11/2010



**Sirwaitis, Sherri**

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**From:** [REDACTED]  
**Sent:** Friday, February 26, 2010 4:01 PM  
**To:** Sirwaitis, Sherri  
**Subject:** Case Number: C14-2009-0163

I oppose this change in particular , and in general oppose allowing a variance to permit circumventing the law . A previous owner has received a variance to the sign ordinance to erect a sign that seems to me to be distracting and hazardous to traffic. That was granted on the basis of "hardship". There must have been zoning or permitting to get to "restaurant that serves alcohol" Now you want to go to a "alcohol that serves food" This is a good example of how you & we get "nickel & dined" into something incrementally!

Your own definition of CS-1 includes ..."incompatible with residential environment". This sounds like red flag to me.

Robert Taveirne

3/1/2010