

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0118

P.C DATE: August 24, 2010
September 14, 2010

ADDRESS: 1901 South Lamar Boulevard

OWNER/APPLICANT: Columbine Properties, Inc. (William Tamminga)

AGENT: Hajjar Sutherland & Kelly, LLP (Kareem Hajjar)

ZONING FROM: CS

TO: CS-1

AREA: 0.266 acres (11586 ft²)

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of Commercial-Liquor Sales (CS-1) district zoning.

PLANNING COMMISSION RECOMMENDATION: 9/14/10: The Planning Commission voted to recommend the rezoning request to Commercial-Liquor Sales (CS-1) district zoning (9-0); with the instruction that the applicant should pursue a restrictive covenant or provision of the conditional use permit to not seek an outdoor music permit for this site.

DEPARTMENT COMMENTS: This 0.266 acre site is currently developed with an unused auto-garage. The applicant seeks to rezone the property to Commercial-Liquor Sales (CS-1) district zoning to repurpose the building into a cocktail lounge.

ISSUES: The Zilker Neighborhood Association does not support the rezoning request based on parking requirements. The applicant has submitted a parking plan from a previous site plan exemption (SP-01-0114CS) approved in 2001, as well as an updated conceptual parking plan showing that the site can accommodate the required parking spaces (see attached).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Auto Repair
<i>North</i>	CS	Restaurant/Auto Repair/Retail
<i>South</i>	CS	Office/Retail
<i>East</i>	CS/SF-6	Warehouse/Apartments
<i>West</i>	CS	Auto Repair

TIA: Waived

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

South Central Coalition
Bouldin Creek Neighborhood Association
Zilker Neighborhood Association
South Lamar Neighborhood Association

CASE HISTORIES

NUMBER	REQUEST	COMMISSION	COUNCIL
SP-01-0114CS 2303 South Lamar	Site Plan exemption	Approved and Released	N/A
C14-04-0101 (Evergreen and South Lamar)	CS, CS-MU-CO,SF-3,CS- CO to CS-MU	9/21/04 - APVD STAFF ALT REC OF CS-MU-CO; ALL GR USES; ALLOWABLE CS USES ARE CONDITIONAL (8-0)	1/27/05 - APVD GR- MU-CO (5-0); 3RD RDG

BASIS FOR RECOMMENDATION

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

The recommended zoning will allow for the reuse and repurposing of an existing building located on South Lamar Boulevard.

2. ***Zoning changes should promote a balance of intensities and densities.***

The recommended zoning is located along a major north-to-south core transit corridor and is an appropriate location for high-intensity zoning.

EXISTING CONDITIONS**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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.

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.

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.

Water and Wastewater

If 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

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:

Additional right-of-way may be required at the time of site plan or subdivision application.

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. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
S. Lamar Blvd	70'	58'	Arterial	Yes	No	Yes
Mary Street	60'	38'	Collector	Yes	Yes	Yes (within ¼ mile)

Site Plan:

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Lamar Blvd. is considered a Core Transit Corridor at this location. Additional comments will be made when the site plan is submitted.

CITY COUNCIL DATE: September 23, 2010

ACTION:

ORDINANCE READINGS: 1st

2nd

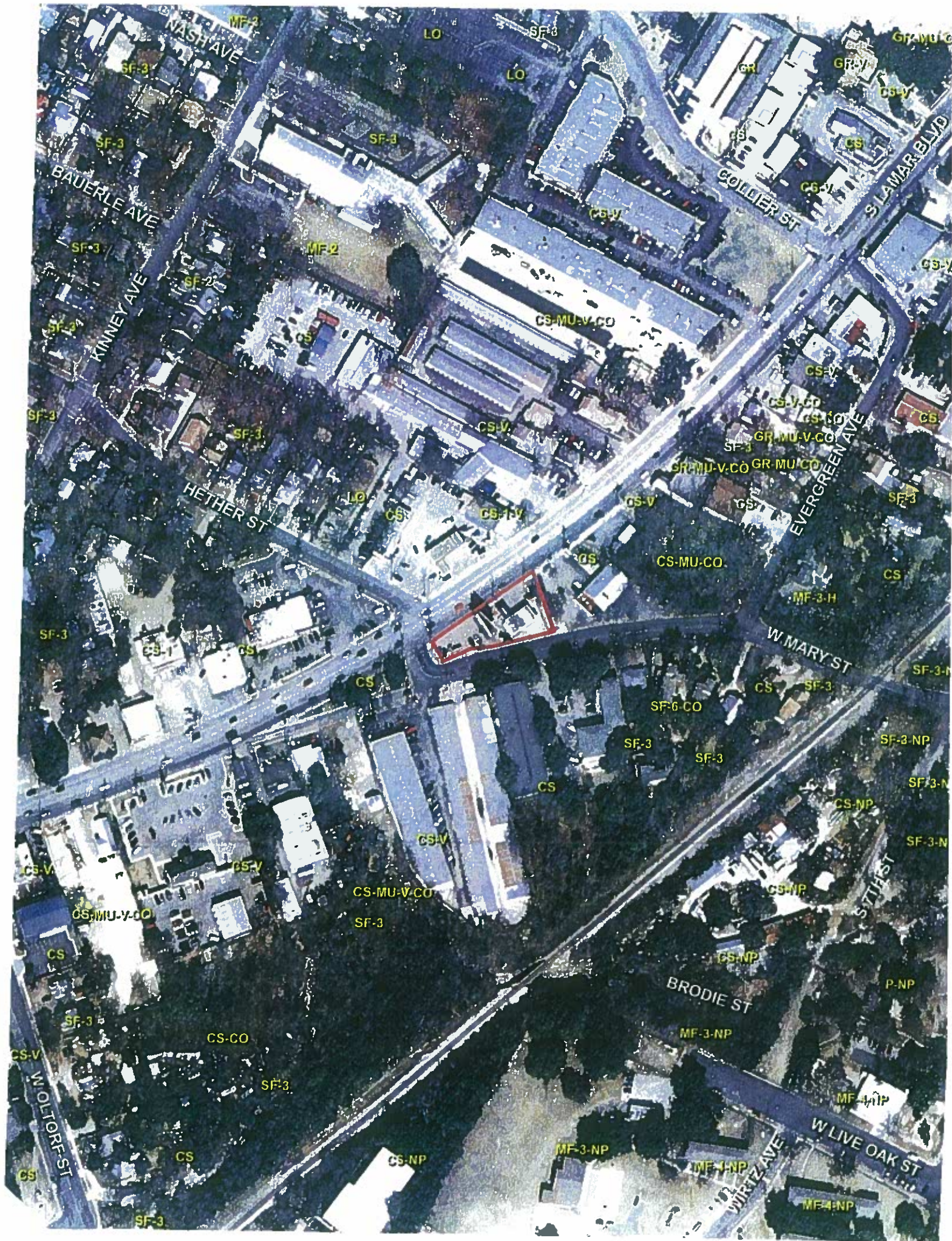
3rd

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

PHONE: 974-7604

stephen.rye@ci.austin.tx.us



Rye, Stephen

From: Zilker NA [ZilkerNA@austin.rr.com]
Sent: Wednesday, August 11, 2010 12:19 PM
To: Rye, Stephen
Cc: 'Zilker Neighborhood'
Subject: 1901 S. Lamar rezoning

Hello, Mr. Rye.

Regarding the rezoning of 1901 S. Lamar to CS-1 (Case C14-2010-0118), the executive committee of the Zilker Neighborhood Association has decided to oppose the request. The property does not have sufficient parking for the proposed cocktail lounge use (even the previous car inspection station was notorious for parking cars on the sidewalks and blocking the public right of way in various other ways). The site is appropriate only for small retail (not automobile related) and office uses.

This notice of our opposition should be considered ZNA's registration as an interested party in this case.

Thank you for your attention.
Lorraine Atherton
on behalf of the Zilker NA executive committee

8/17/2010

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2010-0118

Contact: Stephen Rye, 512-974-7604

Public Hearing: Aug. 24, 2010, Planning Commission
Sept. 23, 2010, City Council

Spitzer & Associates, Inc
Your Name (please print)

1406 Hether Street

Your address(es) affected by this application

Candy M. G. G.
Signature

8-20-10
Date

Daytime Telephone: *512-478-8660*

☐ I am in favor
☒ I object

Comments:

This is not a compatible use with this neighborhood, in my opinion. We need more service businesses that add to the Zilker Neighborhood feel.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Stephen Rye
P. O. Box 1088
Austin, TX 78767-8810

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DAGMAR GRIEDER

Your Name (please print)

1209 W. MARY STREET

Your address(es) affected by this application

Dagmar Grieder

Signature

8-11-10

Date

Daytime Telephone: 512-916-8961

Comments: TOO MANY BARS IN S. AUSTIN

ALREADY - INCOMPATIBLE WITH

RESIDENTIAL QUALITY OF LIFE

CLOSE BY. MORE TRAFFIC, MORE

PARKING, MORE TRASH, MORE CRIME,

MORE LOUD MUSIC.

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CROSSROADS

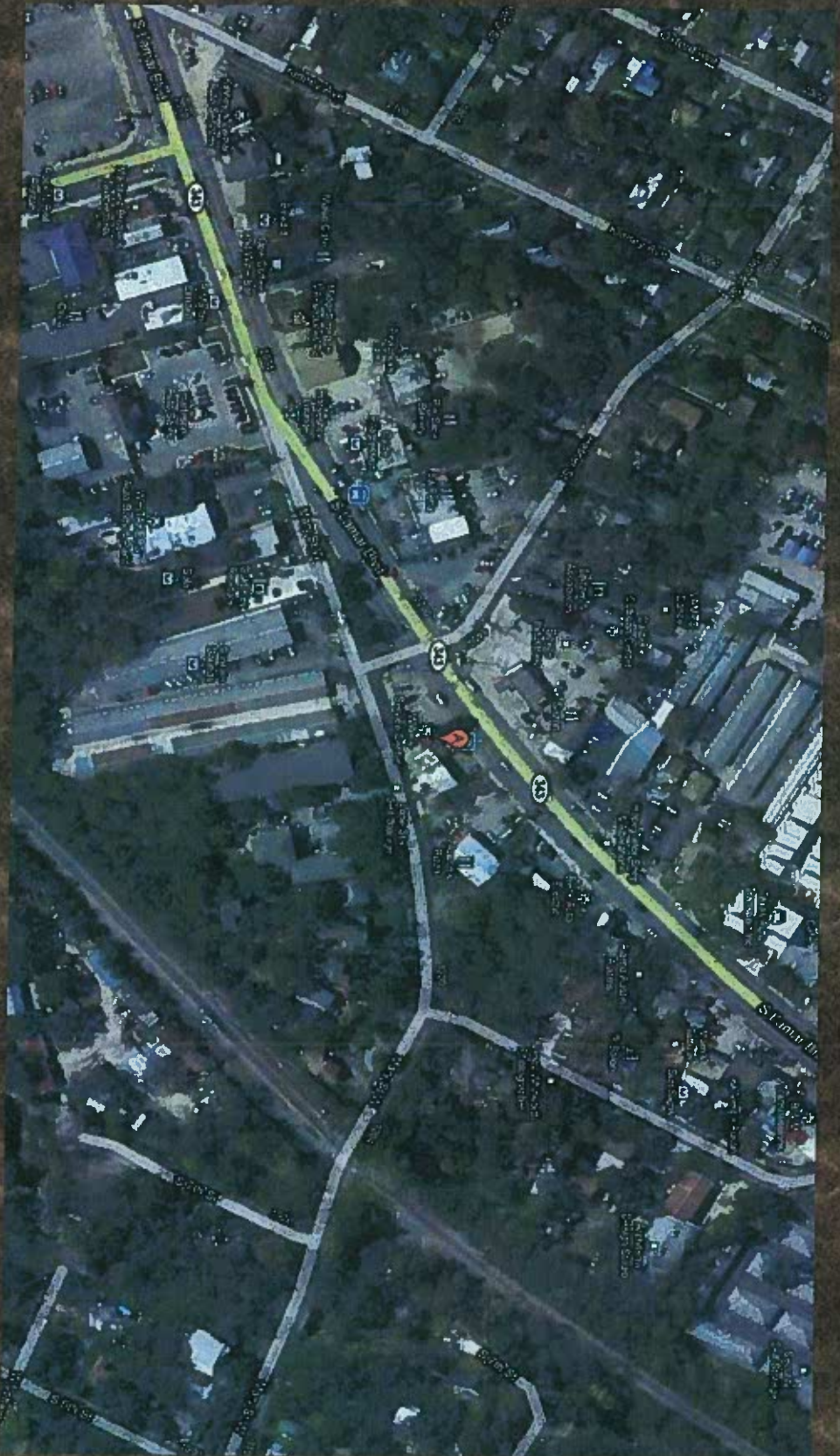
1901 South Lamar Blvd.

C14-2010-0118

From: CS

To: CS-1

South Lamar Area



EXISTING ZONING AND LAND USES:

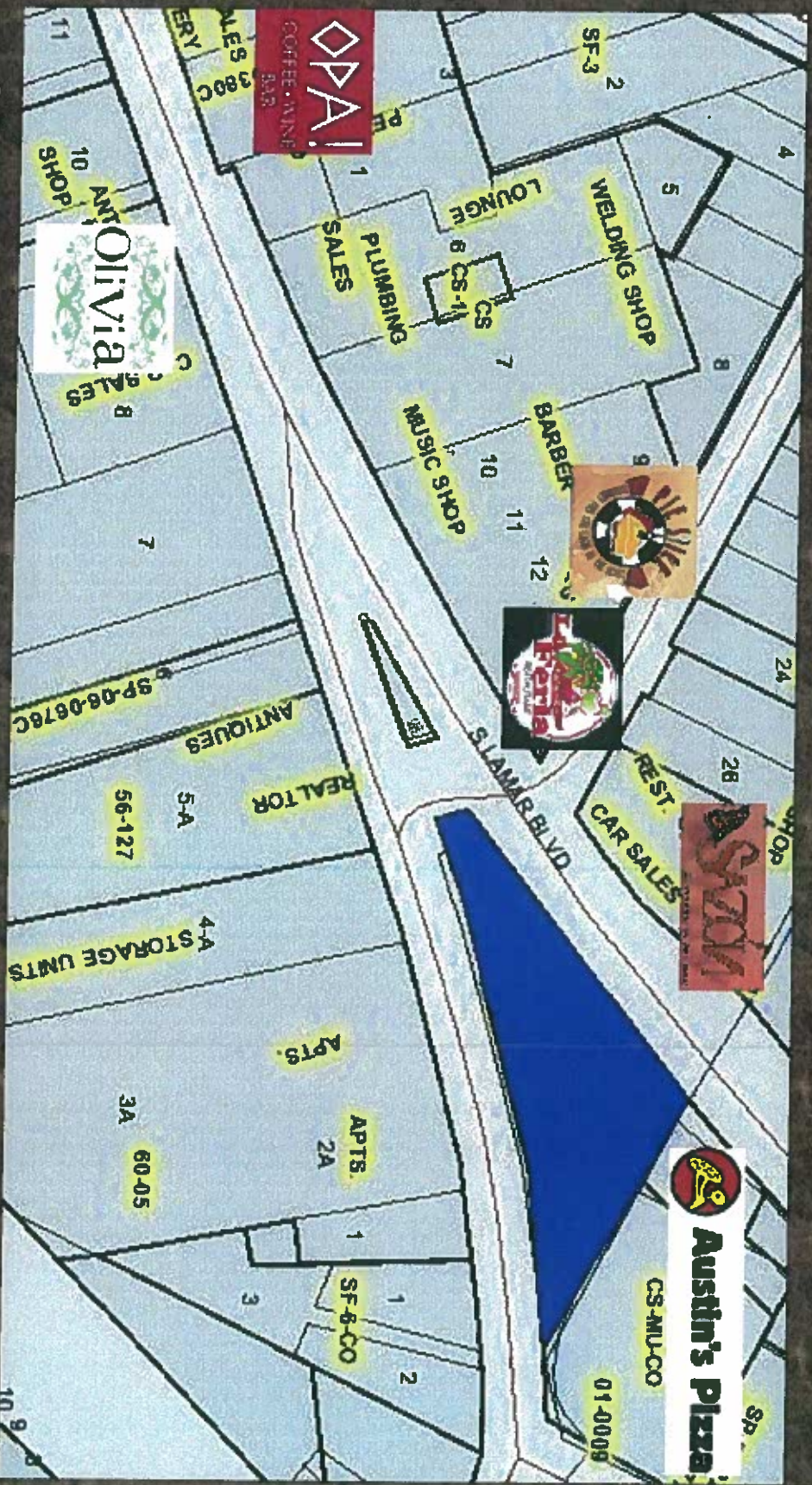
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<i>West</i>	CS	Auto Repair



CS vs. CS-1

CONCERN		CS Zoning	CS-1 Zoning
Parking Requirements		12 spaces	12 spaces
Hours of Operation		2:00 AM	2:00 AM
Live Outdoor Music		Yes No also	Yes Yes also
Outdoor Patio		Yes	Yes
Sale of Mixed Beverages		Yes	Yes

Why CS-1?



- More cost effective to outsource food.
- Encourage collaboration with neighboring businesses.

About Crossroads

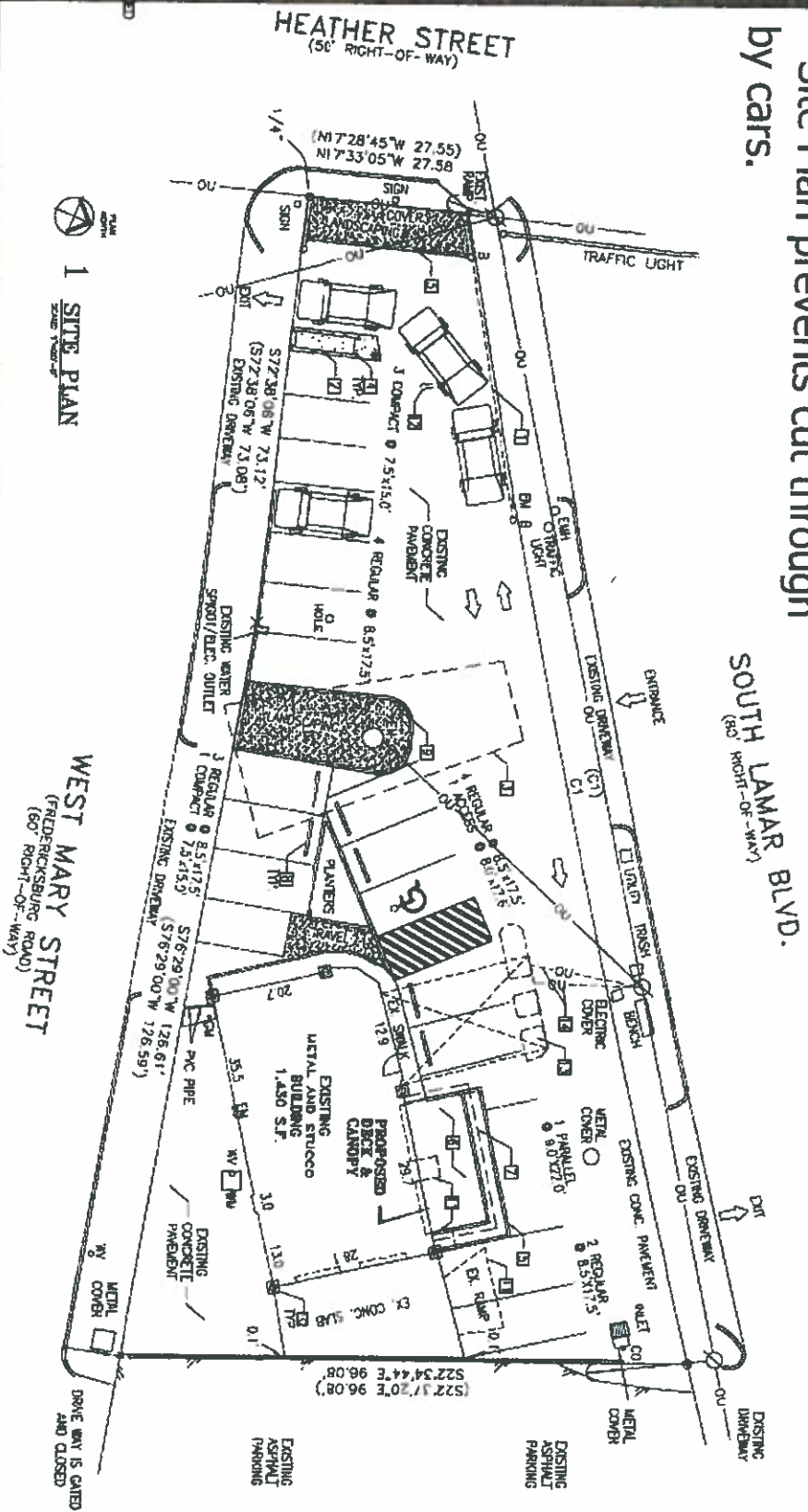
- Laid back, come as you are style establishment.
- Target market - neighborhood residents.
- Bike rack.
- Expect nearly 100% of customers live within one-half mile.
 - Not destination establishment.
- Neighborhood style bars finally emerging.



Parking

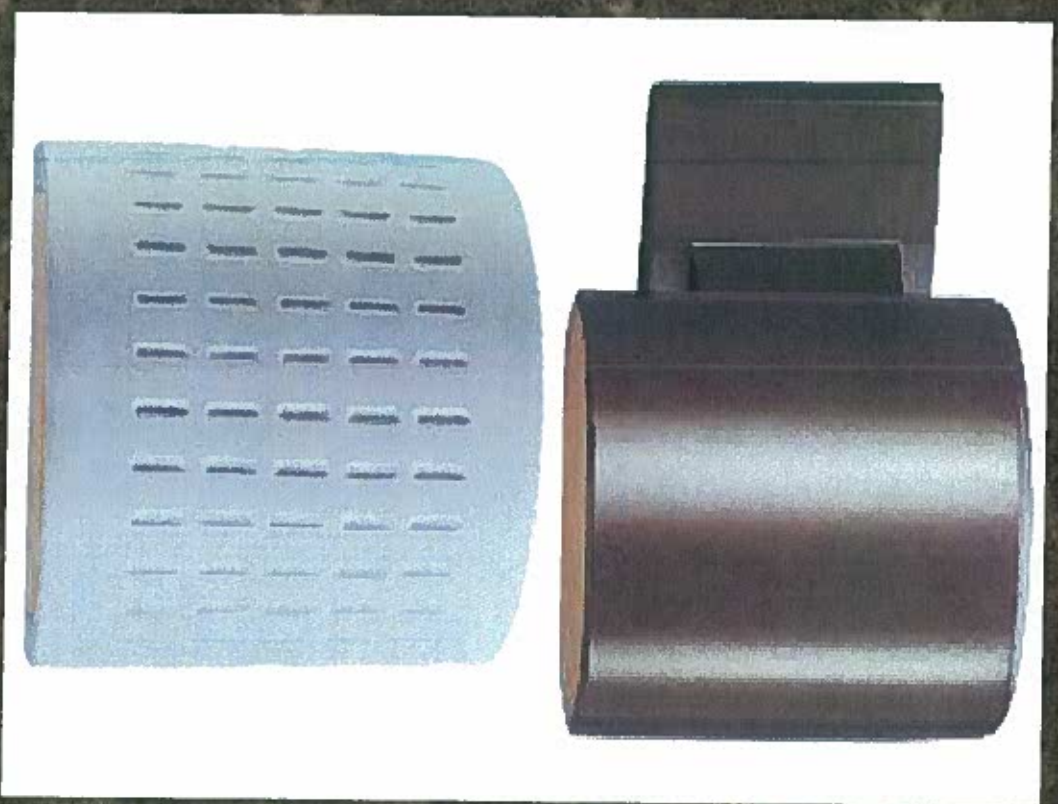
- Site Plan shows 19 spaces. City of Austin requires 12 spaces.
- CURRENTLY EXCEED CITY OF AUSTIN REQUIREMENTS BY SEVEN (7) PARKING SPACES.

* Site Plan prevents cut through by cars.



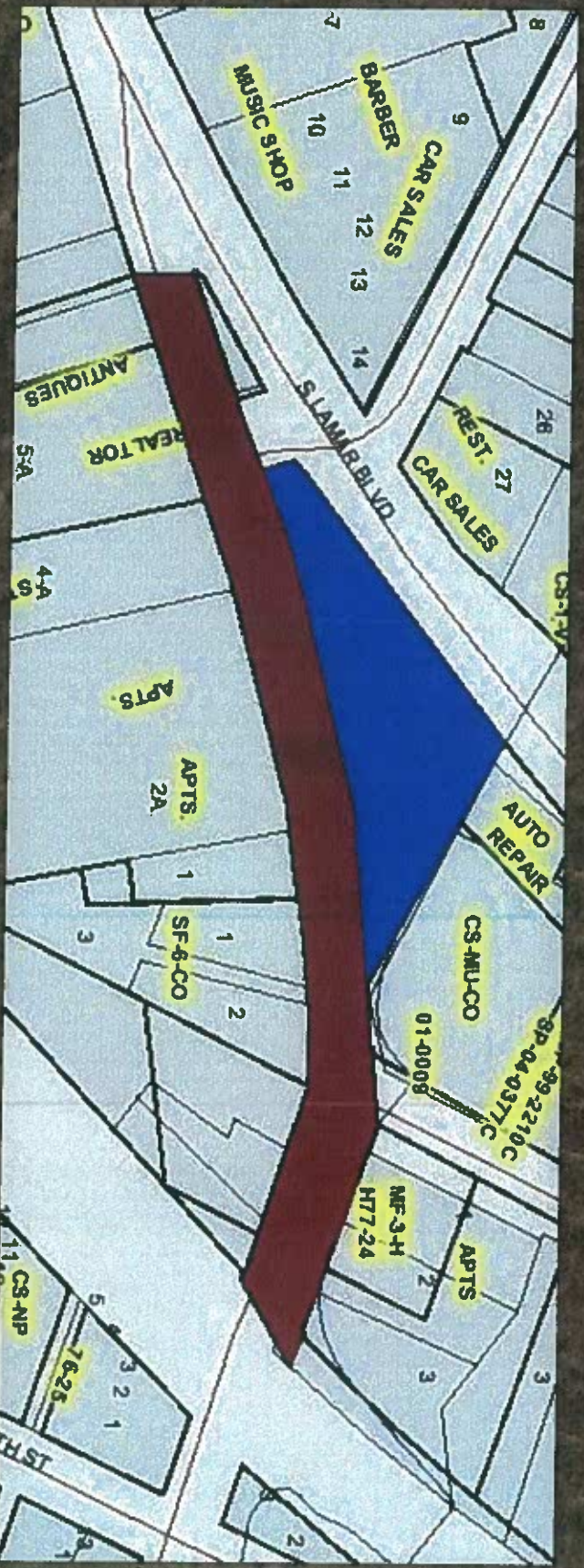
Lighting

- Dark Sky initiative
 - Lighting category specifically designed specifically to limit and reduce the "over spill" of light that diminishes our dark, night skies and ability to see stars.
- "Contains" the light, minimizing light pollution.
- Designed to put the light where needed – for safety and security, while not having light "over-spill" upwards towards the night sky.



Security and Neighborhood Outreach

- All bartenders to be TABC Certified.
- Door man during all peak operating hours.
- Bus boys job duties to include walking to the railroad tracks and to Lamar Blvd. before and after closing to pick up any litter left, regardless of source.



Noise & Music

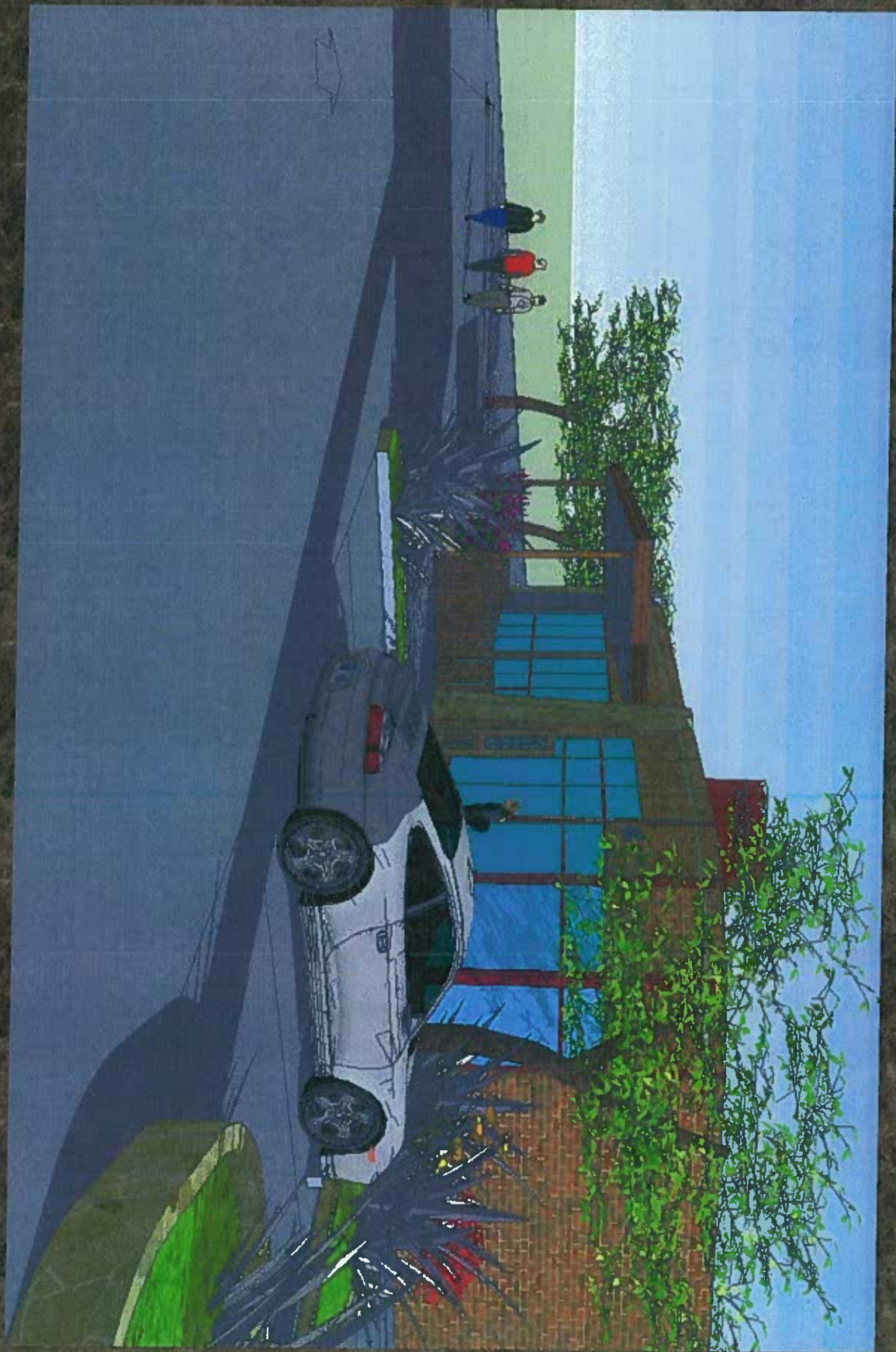
- Site Plan provides natural buffer from neighborhood
 - Patio on South Lamar Blvd.
- CONCESSION - NO LIVE OUTDOOR MUSIC

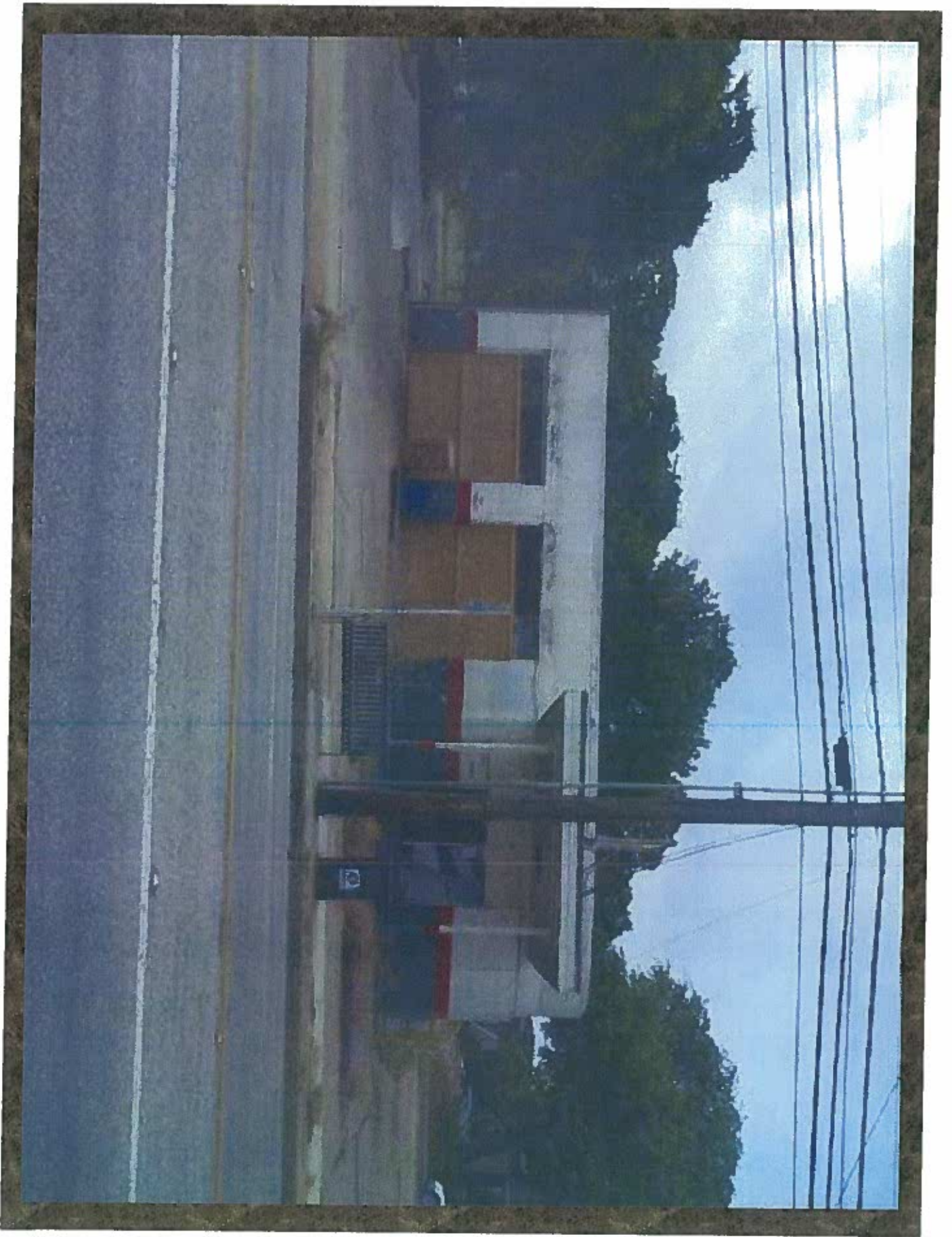
■ Train Decibel Levels

- Federal Railroad Administration REQUIRES horn to be 96-110 decibels.
- City of Austin Sound Ordinance -- 80 decibels.
- Factory requiring hearing protection - 90 decibels is the sound level inside of a loud factory (requiring hearing protection).
- Jet engine - 120 decibels is the sound of a jet engine at full throttle.















Summary

- Big 5 are a non-issue
 - Parking
 - Have excess parking onsite
 - Noise
 - Natural Buffer; Patio on South Lamar Blvd.
 - Security
 - Doormen and TABC certification
 - Lighting
 - Dark Sky lighting
 - Live Outdoor Music
 - Prohibited
- Encourage collaboration with neighbors
- Support by City Staff