

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2010-0122

**P.C. DATE:** August 10, 2010

**ADDRESS:** 2203 South Lamar Boulevard

**OWNER/APPLICANT:** Cabot-Chase, Ltd. (Jimmy Nassour)

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**ZONING FROM:** CS (Commercial Services)

**TO:** CS-1 (Commercial-Liquor Sales)

**AREA:** 0.07 acres (2,997 ft<sup>2</sup>)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends commercial-liquor sales-conditional overlay (CS-1-CO) zoning for this property. The South Lamar Neighborhood Association does not oppose the rezoning request on the condition that the only expanded use allowed in the CS-1 list is liquor store and only the footprint of the back building is being re-zoned. The conditional overlay on the property will prohibit a cocktail lounge use.

**PLANNING COMMISSION RECOMMENDATION:** 8/10/10: Approved staff recommendation of CS-1-CO. The conditional overlay prohibits cocktail lounge use. (7-0; Reddy absent, Anderson abstained).

**CITY COUNCIL:** This item was postponed on consent to September 23, 2010 at the neighborhood's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

**DEPARTMENT COMMENTS:** This 0.06 acre site is a new commercial construction building located on South Lamar Boulevard and Kenney Road. The applicant seeks to relocate an existing Liquor Store (Chris'Liquor Store) from 2418 South Lamar to the subject property.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS	Commercial
<i>North</i>	CS/CS-V	Commercial/Office
<i>South</i>	CS	Office/Auto Service
<i>East</i>	SF-3	Residential
<i>West</i>	CS	Service Station/Auto Repair

**NEIGHBORHOOD PLAN:** South Lamar Neighborhood Planning Area

**TIA:** Waived

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

South Central Coalition

South Lamar Neighborhood Association  
Goodrich Place Neighborhood Association  
Zilker Neighborhood Association  
Austin Neighborhoods Council

**CASE HISTORIES**

NUMBER	REQUEST	ACTION
SP-07-0034C	Commercial Office Site Plan	2/5/2008 – Site Plan Approved and Released

**BASIS FOR RECOMMENDATION**

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

The proposed property is located on a major north-south core transit corridor that is appropriate for commercial service uses.

2. ***Granting of the request should result in an equal treatment of similarly situated properties.***

The property will facilitate the relocation of an existing small business that is located less than a half-mile from the subject tract. Both properties are located at the intersection of a major arterial and collector streets.

**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 within the proposed area to be rezoned. 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:**

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

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]

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Kinney Road	45'	30	Collector	yes	No	Yes
S. Lamar	83'	MAD 4	Arterial	yes	3,29,103,331,338,484	Yes

### **Site Plan**

Any new development is subject to Subchapter E: Design Standards and Mixed Use. As the principal street for this site is a Core Transit Corridor. Building locations are required to be placed along street frontage when located on a Core Transit Corridor, therefore staff strongly recommends revisiting the location of the CS-1 zoned area to be in compliance of Subchapter E requirements. This issue will come up during site plan permitting. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the southern property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

FYI – This site is located within the South Lamar Neighborhood Planning Area. Please visit the following website for further information on the status of this plan:  
[http://www.ci.austin.tx.us/planning/neighborhood/south\\_lamar.htm](http://www.ci.austin.tx.us/planning/neighborhood/south_lamar.htm)

**CITY COUNCIL DATE:** August 26, 2010

**ACTION:** Postponed by neighborhood

September 23, 2010

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

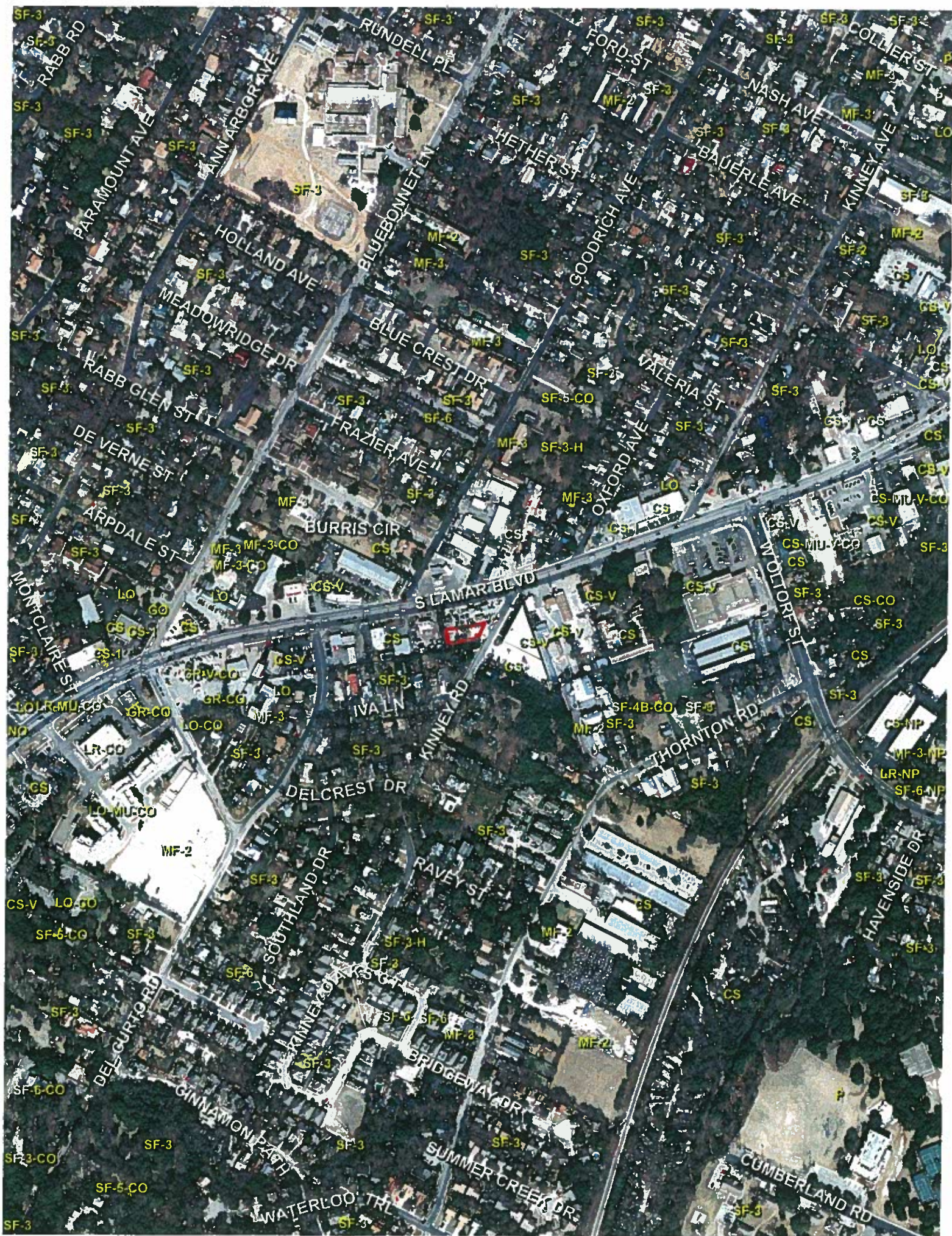
**ORDINANCE NUMBER:**

**CASE MANAGER:** Stephen Rye

**PHONE:** 974-7604  
[stephen.rye@ci.austin.tx.us](mailto:stephen.rye@ci.austin.tx.us)











## 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.

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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](http://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: C14-2010-0122

Contact: Stephen Rye, (512) 974-7604

Public Hearing: Aug. 10, 2010, Planning Commission  
Aug 26, 2010, City Council

**Rochelle Stone**

Your Name (please print)

☐ I am in favor  
☒ I object

2207 IVA LN AUSTIN TX 78704

Your address(es) affected by this application



Signature

8-2-10

Date

Daytime Telephone: ~~512-220-1220~~

Comments: I OBJECT TO A LIQUOR STORE ON BAR

BEING BUILT AT 2203 S LAMAR. I DO NOT THINK

IT WOULD BE APPROPRIATE FOR OUR NEIGHBORHOOD  
AND WOULD NOT BE NECESSARY.

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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Case Number: C14-2010-0122

Contact: Stephen Rye, (512) 974-7604

Public Hearing: Aug. 10, 2010, Planning Commission

Aug 26, 2010, City Council

Michael L. Martin

Your Name (please print)

2210 Kinney Road

Your address(es) affected by this application

*[Signature]*

Signature

Date

8/4/10

Daytime Telephone: *[Redacted]*

I am writing to state my objection to the proposed zoning change from CS to CS-1 for the location of 2203 S. Lamar Blvd.

Numerous development projects have been undertaken in my neighborhood over the last several years. I have been pleased with much of the development that has taken place from Hether Street to Bluebonnet Lane along 'my' stretch of South Lamar. I've been thrilled to see several disreputable "businesses" leave the neighborhood and excited to welcome some of the new ones to South Lamar. As someone who understands the importance and inevitability of urban development, I don't see any value in granting a change in zoning for a business whose primary purpose is to sell liquor. There is already liquor store at 2418 South Lamar and I don't understand what benefit there would be to the community and my south Austin neighborhood in granting a zoning change for this applicant. Again, I respectfully object to granting a zoning change for the project location at 2203 S. Lamar Blvd.

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Case Number: C14-2010-0122

Contact: Stephen Rye, (512) 974-7604

Public Hearing: Aug. 10, 2010, Planning Commission

Aug 26, 2010, City Council

Cliff Dunn

Your Name (please print)

2129 Goodrich Ave

Your address(es) affected by this application

Cliff Dunn

Signature

Daytime Telephone: [REDACTED]

08/03/10

Date

☐ I am in favor  
☒ I object

Comments: I don't need any more

weekend & night drinks around my

Automotive Garage! There is already

to many. I'd contacted Austin

Police. My Property is protected (at

NO TRAFFIC, anyone not a

customer of mine is to be arrested and

If car & tech parked, it is to be towed,

We have Austin Housing w/children to close!

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Case Number: C14-2010-0122

Contact: Stephen Rye, (512) 974-7604

Public Hearing: Aug. 10, 2010, Planning Commission

Aug 26, 2010, City Council

CAMILLE M PERRY

Your Name (please print)

2211 Iva Ln

Austin, TX 78704-4911

Your address(es) affected by this application

Camille M. Perry

Signature

Date

Daytime Telephone: [REDACTED]

Comments:

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



**Rye, Stephen**

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**From:** Cullen Hanks [c.hanks@cityofaustin.gov]  
**Sent:** Tuesday, August 24, 2010 3:53 PM  
**To:** Rye, Stephen  
**Cc:** Kathy Christian; David O'Donnell  
**Subject:** Chris's Liquor Store (support)

Dear Mr. Rye,

I live near where Chris's Liquor Store would like to locate. I am writing in support of their ability to move into the new location. I also have two tenants that support the move. Chris's Liquors is a small local business, and I would hate to see them leave the area. In general, I think it is important to have small local businesses in the area along South Lamar. Among other reasons, they are essential to our ability to reduce our dependence on driving.

This is case number C14-2010-0122.

Best,

Cullen Hanks  
2905 Del Curto Rd.  
Austin, TX. 78704

8/24/2010

~~\_\_\_\_\_~~

**Rye, Stephen**

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**From:** paisley robertson [mailto:~~\_\_\_\_\_~~]  
**Sent:** Tuesday, August 24, 2010 11:32 AM  
**To:** Rye, Stephen  
**Subject:** I Support C14-2010-0122  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Stephen Rye/City of Austin,

I support Chris's Liquor Store's request for a zoning change that would allow them to relocate down the street from me. I support small business and locally owned businesses. Chris's has been around a long time.

I live in an historical house that is a City Landmark and on the National Register. Chris's will not impact the quality of this neighborhood one bit.

Paisley Robertson  
 Southwind  
 aka The Fogel House  
 2411 Kinney Road  
 South Austin, Texas  
 78704  
~~\_\_\_\_\_~~

8/24/2010

**Rye, Stephen**

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**From:** Shelley Stortz [REDACTED]

**Sent:** Monday, August 16, 2010 2:51 PM

**To:** Rye, Stephen

**Subject:** CASE # C14-2010-0122

Dear Mr. Stephen Rye,

It has come to my attention that an application has been submitted for a liquor store at 2203-B S. Lamar Blvd. I live in the neighborhood just behind this property and I would like to urge you to vote NO on this issue. As a concerned neighbor I am not interested in having a liquor store on the corner to my street. I do not believe this is the type of direction that we would like to see our neighborhood move towards and we would also not welcome the increase in traffic along our street. Countless times throughout the day people walk their children and pets through the streets in what is still a very safe area. We would also not like the attraction of loitering that such an establishment would bring. Please vote NO on this matter, and know that I am not the only neighbor who feels this way. I know a few others have already sent you notification of their feelings.

Sincerely,  
Rochelle Stortz  
2207 Iva Lane

8/17/2010



**Rye, Stephen**

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**From:** Nancy Maclaine [mailto:nancy.maclaine@slna.org]  
**Sent:** Wednesday, August 04, 2010 2:31 PM  
**To:** Rye, Stephen  
**Cc:** [mailto:stephen.rye@ci.austin.tx.us]; [mailto:nancy.maclaine@slna.org]  
**Subject:** Re: 2303 South Lamar CS-1 Rezoning - Meeting Request

Stephen,

The SLNA Zoning Committee's official stand on this case at 2203 South Lamar, is that we do not oppose the change to CS-1 as long as it includes the condition that the only expanded use allowed in the CS-1 list is liquor store and only the footprint of the back building is being re-zoned. We are not planning to be present at the PC hearing.

There has only been one neighbor who commented by email in opposition to the change to CS-1. I do not know if she will speak against at PC. Below my signature is her email.

Nancy Maclaine  
South Lamar Neighborhood Association  
Zoning Committee Chair

Email from Camille Perry, resident of Iva Lane.

"If you were already here to remember, several years back (before Down Under was there) they wanted to put in a drive-thru beer barn there which was rejected by the neighborhood.

The current zoning is CS - General Commercial Services.

They are asking to change it to CS-1 - Commercial-Liquor Sales district which according to the City of Austin "is intended predominately 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 property adjacent to this property on Kinney Road is a single family residential property. And around the corner on the other side adjacent to it on South Lamar is a dental office.

I believe keeping it CS is preferable for this location and am not in favor of changing it to CS-1.

Thanks for the opportunity to share my concerns.

Camille Perry"

On Wed, Aug 4, 2010 at 2:20 PM, Rye, Stephen <Stephen.Rye@ci.austin.tx.us> wrote:

Nancy,

Does SLNA have an official recommendation on this case? My staff report is due today, and I would like to include your recommendation and comments, if possible.

8/4/2010

Thank you,

Stephen

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**From:** Nancy MacLaine [mailto:nancy@nancy-mac.com]  
**Sent:** Monday, August 02, 2010 11:43 PM  
**To:** aliceglasco@mindspring.com  
**Cc:** Rye, Stephen  
**Subject:** Re: 2303 South Lamar CS-1 Rezoning - Meeting Request

Alice, you make an excellent point, that people coming out of a liquor store are no more likely to wend through the neighborhood than someone coming from a hair salon and that zoning is already approved. I'll pass that along to the neighborhood.

Nancy

On Mon, Aug 2, 2010 at 11:18 PM, Alice Glasco <alicesglasco@mindspring.com> wrote:

Nancy,

Thank you so much for the prompt response. Traffic numbers will not be any more that the current zoning would generate according to the City transportation staff. A traffic impact analysis was waived because the vehicle trips per day are the same with CS versus CS-1 zoning.

I will await to hear from you.

Alice Glasco, President

AG Consulting

5117 Valburn Court, Suite A

Austin, Texas 78731

8/4/2010

Office: 512-231-8110

Cell: [REDACTED]

Email: [aliceglasco@\[REDACTED\]](mailto:aliceglasco@[REDACTED])

----- Original Message -----

**From:** Nancy Maclaine

**To:** [aliceglasco@\[REDACTED\]](mailto:aliceglasco@[REDACTED])

**Cc:** Stephen Rye

**Sent:** 8/2/2010 10:59:07 PM

**Subject:** Re: 2303 South Lamar CS-1 Rezoning - Meeting Request

Hi Alice,  
thanks for following up with me. The case has garnered a little bit of chat on the SLNA yahoo group but so far no serious controversy. If there will be push-back I expect it to come from the folks on Iva and/or Delcrest who imagine folks coming to Chris' from south of 2203 will consider winding through their streets to get to the traffic light at Bluebonnet to make that left hand turn onto South Lamar. and I don't know anything you can do to assuage that, if it becomes a hot button. we know that a "no right turn" sign coming out of the Kinney side parking lot would be useless. Earlier ( today) I have plainly asked if any one plans to stand in opposition and/or would anyone like to meet with you. I'll let you know what response.

At present the SLNA zoning committee sees this as pretty much non-controversial, assuming the CS-1 uses are limited to a liquor store and the expansion of zoning only applies to the back building.

I realize that the case is scheduled for PC public hearing on Tuesday 8/10 (and I have alerted the neighborhood of that deadline twice already. ). Truly the only negative comment I've heard relates to the possible neighborhood traffic issues.

I hope to be able to tell you shortly if there's any need to meet face to face. I'm copying Stephen Rye to keep him abreast of the neighborhood thinking. (Which would be like herding cats if one were even to try herding -- I'm only trying to get folks to reveal what their positions are.)

Nancy Maclaine  
589-0184

On Mon, Aug 2, 2010 at 5:48 PM, Alice Glasco <[aliceglasco@\[REDACTED\]](mailto:aliceglasco@[REDACTED])> wrote:

Nancy,

Thank you for taking my call last Tuesday. I am following up on our conversation about meeting with the South Lamar Neighborhood Association's Executive Committee. Have you had a chance to find out when we might meet? I look forward

8/4/2010



to hearing from you and thank you in advance!

Alice Glasco, President

AG Consulting

5117 Valburn Court, Suite A

Austin, Texas 78731

Office: [REDACTED]

Cell: [REDACTED]

Email: aliceglasco@[REDACTED]