

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2015-0146 – 1414 W. Oltorf Street

**Z.A.P./ P.C. DATE:**

April 26, 2016

June 14, 2016

June 28, 2016

July 12, 2016

**ADDRESS:** 1402, 1412, 1414 W. Oltorf Street & 2043 South Lamar Boulevard

**DISTRICT AREA:** 5

**OWNER/APPLICANT:** JStrain, LLC, Scott Trainer

**AGENT:** Metcalfe, Wolf, Stuart & Williams, LLP, Michele Rogerson Lynch

**ZONING FROM:** CS, SF-3, CS-CO (Tract 1), CS-MU-V-CO (Tract 2)     **TO:** CS-MU-CO & CS-MU-V-CO

**AREA:** 4.247 acres

### **STAFF RECOMMENDATION:**

#### **Recommend CS-MU-CO & CS-MU-V-CO**

The following uses will be prohibited and included in a conditional overlay:

Adult-oriented businesses	Equipment services
Agricultural sales and services	Exterminating services
Automotive rentals	Funeral Services
Automotive repair services	Kennels
Automotive sales	Laundry services
Automotive washing	Limited warehousing and distribution
Bail bonds	Outdoor entertainment
Campground	Outdoor sports & recreation
Construction sales and services	Pawn shop services
Convenience storage	Plant nursery
Drive-thru Service as accessory to commercial use	Scrap and salvage services
Drop-off recycling collection facility	Service station
Equipment sales	Vehicle Storage
	Veterinary services

#### **The following conditions will be addressed in a Conditional Overlay, Public & Private Restrictive covenants:**

- Prohibition of late hour alcohol sales
- Vegetative screening along the boundary with 1416 W. Oltorf Street.
- Impervious cover for 1414 W. Oltorf Street limited to 90%.
- W. Oltorf Street streetscape improvements to include street tree planting.
- Prohibit live outdoor amplified music within the compatibility setbacks adjacent to 1416 W. Oltorf Street.

- Storm drain outfalls shall be designed to minimize point discharge and increase infiltration into the critical water quality zone and 100-year fully developed floodplain.
- West Bouldin Creek floodplain/bank restoration and invasive species removal.
- Recreational trail easement along West Bouldin Creek.

**PLANNING COMMISSION RECOMMENDATION:**

*APRIL 26, 2016 – POSTPONED BY STAFF TO JUNE 14, 2016 ON CONSENT. VOTE 13-0, (MOTION BY J. SCHISSLER, F. KAZI 2<sup>ND</sup>).*

*JUNE 14, 2016 – POSTPONED BY STAFF TO JUNE 28 , 2016 ON CONSENT. VOTE 11-0, (MOTION BY P. SEEGER, A. PINEYRO De HOYOS 2<sup>ND</sup>, J. THOMPSON & N. ZARAGOSA ABSENT).*

*JUNE 28, 2016 – POSTPONED BY STAFF TO JULY 12, 2016 ON CONSENT. VOTE 12-0, (MOTION BY J. VELA 1<sup>st</sup>, N. ZARAGOZA 2<sup>nd</sup>, J. THOMPSON ABSENT).*

*JULY 12, 2016 – APPROVED STAFF RECOMMENDATION OF CS-MU-CO (TRACT 1) & CS-MU-V-CO (TRACT 2) ON CONSENT. VOTE 12-0 (MOTION BY F. KAZI, P. SEEGER 2<sup>ND</sup>, N. ZARAGOSA ABSENT).*

**DEPARTMENT COMMENTS:** Staff supports the request with added conditions. On November 9, 2015, the applicant requested a waiver to compatibility from the Board of Adjustment. The request was approved with conditions. Staff is recommending including those provisions as part of the zoning case. They are referenced above and will be part of a conditional overlay and restrictive covenant.

This case is located within the Zilker Neighborhood Planning Area which does not have an adopted plan at this time so a plan amendment is not required. It is located at the intersection of S. Lamar Boulevard and W. Oltorf Street. The area is predominately commercially zoned. There are single family residences adjacent to the subject tracts, however, those properties have commercial zoning (CS). A significant portion of the subject property is located within the 100 year floodplain. The owner is not proposing to request a floodplain variance. The proposed project will be a market style development with local food purveyors, a mix of commercial and office uses, structured parking and will include the existing Olivia Restaurant.

A large portion of the property is vacant and was the former home to the "Enchanted Forest" which was an art and event space. The former owner of the property was cited by Austin Code Enforcement as the events grew larger and noise complaints were received. The applicant has combined several properties adjacent to the Olivia Restaurant which they own and are planning a consolidated development as described above. South Lamar Boulevard is designated as an Activity Corridor in Imagine Austin. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

**ISSUES:**

The applicant requested and received approval with conditions from the Board of Adjustment for a waiver of compatibility standards. Those conditions are included in the conditional overlay and restrictive covenants mentioned above in the staff recommendation. The Zilker Neighborhood Association did not oppose the waiver to compatibility standards with the conditions. The applicant supports the inclusion of the conditions with the zoning case.

This project is located along the South Lamar Corridor Study area which was completed by the Austin Transportation Department (ATD) in May 2016.

At the time of site plan the Austin Transportation Department (ATD) is proposing the applicant provide fiscal for the following traffic mitigation:

- ADA-compliant crosswalks and pedestrian ramps. Move crosswalk from south side of S. Lamar to north side of S. Lamar.
- Remove channelization of north bound right turn lane.
- Install north bound bus queue jump for transit.

These improvements are acceptable to the applicant.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	Tract 1: CS, SF-3, CS-CO Tract 2: CS-MU-V- CO	Tract 1: Vacant and family residence. Tract 2: Restaurant
<i>North</i>	CS, CS-V	Restaurant, Retail, Office, Used Car Sales, Auto repair
<i>East</i>	CS-V, CS-MU-V-CO	Used Car Sales, undeveloped
<i>South</i>	CS	Single family residence
<i>West</i>	CS, CS-V	Retail

**NEIGHBORHOOD PLANNING AREA:** Zilker NPA (Suspended)    **TIA or NTA:** TIA

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Neighborhoods Council  
Bike Austin  
Bouldin Creek Neighborhood Association  
Bouldin Creek Neighborhood Planning Team  
Friends of Austin Neighborhoods

Friends of the Emma Barrientos MACC  
Galindo Area Patriotic Porch Party  
Galindo Elementary Neighborhood Association  
Meadowbrook Neighborhood Association  
Preservation Austin  
Real Estate Council of Austin

Save our Springs Alliance  
Sierra Club Austin Regional Group  
South Central Coalition

South Lamar Neighborhood  
Association  
The Thornton View Owners Association  
Zilker Neighborhood Association

SCHOOLS: Austin HS, O'Henry MS, Zilker Elementary

**CASE HISTORIES FOR THIS PROPERTY**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2011-0094 1414 W. Oltorf	SF-3 to CS	Recommend CS-CO (90% IC & uses)	Approved CS-CO (10/20/11)
C14-2008-0060 2043 S. Lamar	CS-MU- CO to CS- MU-V-CO	Recommend CS-MU-V-CO	Approved CS-MU-V-CO (10/16/08)
C14-05-0180 2043 S. Lamar	SF-3 & CS to CS-MU	Recommend CS-MU-CO (2000 trips & uses)	Approved CS-MU-CO (12/15/05)
C14-97-0080 1412 W. Oltorf	SF-3 to CS	Recommend CS-CO (2000 trips)	Approved CS-CO (10/30/97)

**CASE HISTORIES FOR SURROUNDING PROPERTIES**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
ORD. 67-0112	A (residential) to C (commercial)	C (commercial)	Approved 1/12/67

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
S. Lamar Blvd	58 ft.	57 ft.	Arterial
W. Oltorf St	Varies from 79 ft. to 90 ft.	45 ft.	Arterial

**CITY COUNCIL DATE:** August 11, 2016

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Andrew Moore

**PHONE:** 512-974-7604

**EMAIL:** [andrew.moore@austintexas.gov](mailto:andrew.moore@austintexas.gov)

## **NPZ Comprehensive Planning Review - Kathleen Fox 512-974-7877**

1404, 1480, 1412, 1414 W. Oltorf Street and 2043 South Lamar Boulevard  
CS; SF-3; CS-MU-V-CO to CS-MU-CO and CS-MU-V-CO

This zoning case is located on the east side of W. Oltorf Street, and the south side of S. Lamar Blvd., on a 4.2 acre lot, which contains an existing restaurant, a couple of rental houses, and vacant land. The property is also located within the boundaries of the Zilker Neighborhood Planning area, which does not have an adopted neighborhood plan. Surrounding land uses includes a used car lot, an auto body shop, a single family house, and a coffee and wine bar to the north, a railroad track and a single family house to the south, vacant land to the east (which is mostly along a creek), and a drug store and office supply store to the west. The proposed use is a multistory mixed use project (commercial and office but no residential uses) with structured parking.

The conditional overlay would include but is not limited to: the prohibition on late-hours alcohol sales; prohibition on outdoor amplified sound within a certain area of the project to be defined; a vegetative screening along the northern and eastern side of the adjacent lot; Core Transit Corridor streetscape standards on Oltorf frontage; limitation of 90% impervious cover within the compatibility setback area from 1416 Oltorf Street; the restoration and enhancement of the creek located on the east end of the property and the floodplain; and prohibition of certain CS uses, which is currently being negotiated with the zoning case manager.

### **Imagine Austin**

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies S. Lamar Boulevard as an Activity Corridor. (W. Oltorf Street is also a heavily traveled corridor.) Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The following Imagine Austin policies are applicable:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

### **Analysis and Conclusion**

The proposed mixed use project will provide additional: employment, neighborhood goods and services; improved pedestrian options along both W. Oltorf Street and S. Lamar Blvd; environmental remediation to restore the creek and natural areas; and immediately adjacent to a CapMetro public transit stop. Based upon the surrounding commercial uses located along South Lamar Blvd. and Oltorf Street; the property being located along a major Activity Corridor, which supports commercial uses, including super markets, restaurants, and office and; the Imagine Austin policies referenced above, which supports a variety of land uses to promote complete communities, staff believes that this mixed use project is supported by the Imagine Austin Comprehensive Plan.

<b>NPZ Environmental Review - Mike McDougal 512-974-6380</b>
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1. 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. 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.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

<b>DSD Transportation Review – Natalia Rodriguez – 512-974-3099</b>
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TR1. Lamar Boulevard and Oltorf Street are part of The Austin Metropolitan Area Transportation Plan. Additional right-of-way may be required at the time of subdivision and/or site plan, whichever comes first.

TR2. A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Lamar Blvd.	58 ft.	57 ft.	Arterial	Yes	Yes, Bike Lane	Yes
Oltorf St.	Varies from 79 ft. to 90 ft.	45 ft.	Arterial	Yes	Yes, Shared Bike Lane	Yes

Complete Streets Review (Ordinance #20140612-119)

TR4. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR5. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Lamar Boulevard and Oltorf Street.

TR6. This project is adjacent to a street where the curb is proposed to be moved to achieve superior bicycle facilities. Staff will contact Nathan Wilkes, Bicycle Program, ATD for guidance for the proper alignment.

TR7. If the requested zoning is granted, then the following shall be included as a condition of zoning: "Oltorf Street shall comply with the Subchapter E - Core Transit Corridor standards and requirements." Attachment

<b>NPZ Austin Water Utility Review – Neil Kepple – 512-972-0077</b>
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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 and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

### ***Storm Water 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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

<b>NPZ Site Plan Review - Rosemary Avila 512-974-2784</b>
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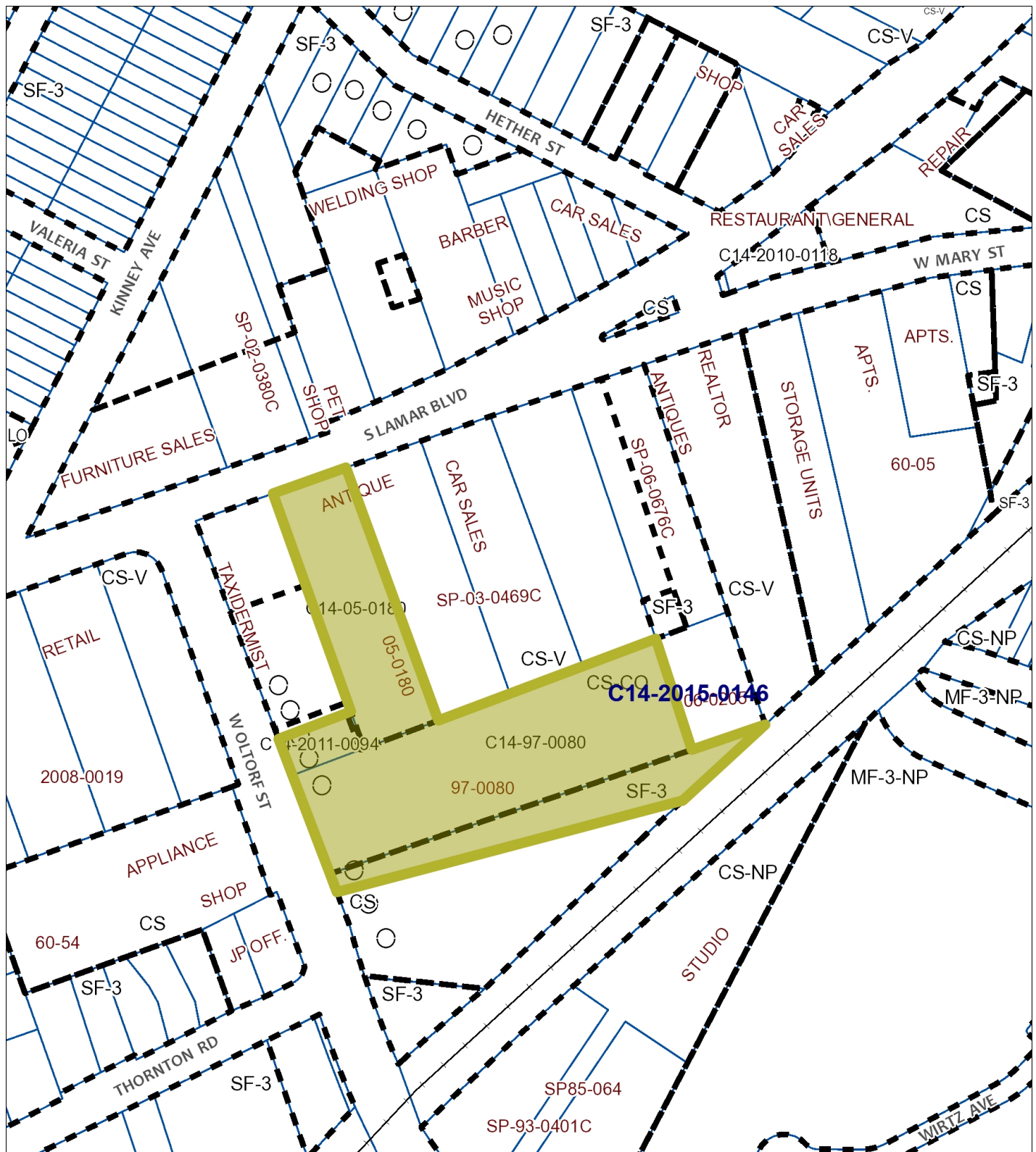
Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

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.

The site is not subject to compatibility standards. The applicant received a waiver from the Board of Adjustment in November, 2015. The waiver is valid for one-year.





- Subject Tract
- Pending Case
- Zoning Boundary
- Railroads

100 200  
Feet

1" = 200'

## ZONING

### ZONING CASE#: C14-2015-0146



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created 06/01/16





### ZONING & VICINITY

ZONING CASE#: C14-2015-0146

LOCATION: 1414 W. Oltorf St. & 2043 S. Lamar Blvd.

SUBJECT AREA: 4.247 ACRES

MANAGER: ANDREW MOORE

N



1" = 400'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY



W. Bouldin Creek Buffer



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





METCALFE WOLFF  
STUART & WILLIAMS, LLP  
Attorneys at Law

MICHELE R. LYNCH  
512.404.2251  
mlynch@mwswtexas.com

October 26, 2015

**Via E-Mail**

Chair William Burkhardt and  
Board of Adjustment Members  
c/o Leane Heldenfels  
City of Austin Development Services Dept.  
505 Barton Springs Road, 1<sup>st</sup> Floor  
Austin, Texas 78704

Re: **PREVIOUSLY ITEM NO. M-6**, before Board of Adjustment on  
November 9, 2015: C15-2015-0141; Michele R. Lynch for Scott Trainer 1402, 1412, 1414  
W. Oltorf Street and 2043 S. Lamar Blvd.

Dear Chair Burkhardt and Board of Adjustment Members:

Since the last Board of Adjustment hearing, we have finalized our agreements with the Zilker Neighborhood Association as noted in the attached letter, with the additional clarification below:

Restoration and enhancement of the creek and floodplain. Mr. Trainer is working with the Watershed Protection Department (WPDR) on options to be handled with the site plan for restoration and enhancement of the creek and floodplain, to assist with erosion control, to preserve existing trees, and to secure public access according to the considerations below as discussed with the WPDR:

- Infiltration into the floodplain area to assist with tree and other vegetation improvement/preservation. This can best be accomplished by avoiding concentrated discharge from water quality/detention, and use methods to spread out released flows. We discussed options such as the use of a trench system from the detention and water quality outlet pipes in the floodplain/CWQZ - as opposed to a berm system, which is not readily allowed in the floodplain/CWQZ. The trench system may include appropriately sized rocks in the trenches based on creek flow velocity to assist with slowing released water, and allowing released water to spread out to avoid concentrated discharge.
- Use of rain gardens as opposed to detention to assist with vegetation development throughout project, but discussed that the high percent of pervious cover on this project achieves the same objective.



- Increase understory species in the floodplain. Careful selection of appropriate species should be considered given the dense upper-story canopy. Consideration for drought tolerant, native species to assist with the already diversification of species in the creek area.
- Removal of invasive species - particularly Nandina, bamboo, Ligustrum and Photinia.
- Increase landscape areas in the development. We explained the areas that we're already adding additional landscaping.
- With new landscaping, grade the site where possible to increase natural watering from runoff vs. only relying on sprinkler system.
- The addition of a trail for public access within the creek floodplain/CWQZ can be carefully included, such that it does not conflict with these restoration and enhancement measures.

If you have any questions or need additional information, please feel free to call me.

Sincerely,

Michele R. Lynch

MRL:kw  
Enclosures

# Zilker Neighborhood Association

◆ 2009 Arpdale ◆ Austin, TX 78704 ◆ 512-447-7681 ◆

November 9, 2015

Board of Adjustment  
City of Austin Watershed Protection and  
Development Review Dept.

Re: Variance requests C15-2015-0141, 1404-1414 Oltorf

Dear Chairman and Board Members:

Since our letter of Oct. 6, 2015, outlining the conditions under which the Zilker Neighborhood Association (ZNA) Executive Committee agreed not to oppose the setback and height variances requested in Case C15-2015-0141, we have clarified parts of our agreement with the applicant. Regarding the compatibility issues triggered by the residential use to the west and by the SF-3 zoning to the east, ZNA requests that any driveway and height variances granted here include the following conditions:

1. **Prohibit late-hours alcohol sales.** (Our objective is to reduce late-night car traffic on the driveway adjacent to the residential use and to reduce after-midnight disturbances experienced by residents south of Oltorf, east of the creek, and west of South Lamar.)
2. **Prohibit live outdoor amplified music within the 100-foot compatibility setback surrounding 1416 Oltorf, except where the setback intersects the courtyard north of the Market building** (Exhibit A). Performances may be permitted in that part of the courtyard if they are shielded by buildings or other sound barriers on the west and south. Outdoor events on the courtyard will not exceed the terms currently in effect for the rest of the neighborhood: 70 decibels, with cutoff times of 8 p.m. Sunday-Thursday and 10 p.m. Friday-Saturday. Additionally, outdoor events shall comply with the sound agreement between the property owner and the Zilker Neighborhood Association. (Our objective is to prevent the creation of rooftop patios within the setback or the staging of performances on the site of Building C, if Building C is not constructed, that could project amplified sound to the west and south over most of the neighborhood.)
3. **Require improved screening (trees) on the side and back of 1416 Oltorf.**
4. **Implement superior streetscape and commercial design standards on the Oltorf frontage.** (Our objective is to assure that wider sidewalks with street trees and more landscaping are installed consistent with the design standards required on South Lamar.)
5. **Limit impervious cover to 90% within the compatibility setback.**
6. **Restore and enhance the creek and floodplain.** Details of the applicant's proposal to

restore and enhance the creek and floodplain are listed in the letter from Michele R. Lynch dated Oct. 26, 2015. ZNA's interest in the City-owned property is that it remain available for future greenbelt access and public use, and that the floodplain and urban forest be protected. The applicant's proposal advances that objective by establishing a high standard for creek and forest protection, as described in our previous letter.

7. **Prohibit these uses:**

Drive-in service use as an accessory use to a commercial use (contained in the 2011 conditional overlay for 1414 Oltorf)	Equipment repair services
Adult oriented businesses	Exterminating services
Agricultural sales and services	Funeral services
Automotive rentals	Kennels
Automotive repair services	Laundry services
Automotive sales	Limited warehousing and distribution
Automotive washing (of any type)	Outdoor entertainment
Bail bond services	Outdoor sports & recreation
Campground	Pawn shop services
Construction sales and services	Plant nursery
Convenience storage	Scrap and salvage services
Drop-off recycling collection facility	Service station
Equipment sales	Vehicle storage
	Veterinary services

All of these conditions will help to mitigate the compatibility issues and help to preserve the intent of our previous agreements.

(signed)

Lorraine Atherton,

ZNA Zoning Committee member, on behalf of the ZNA Executive Committee

# Zilker Neighborhood Association

◆ 2009 Arpdale ◆ Austin, TX 78704 ◆ 512-447-7681 ◆

July 12, 2016

To: Planning Commission

From: Zilker Neighborhood Association Zoning Committee

Re: C14-2015-0146, rezoning at 1402, 1412, 1414 Oltorf

## **ZNA position on Oltorf Market (1412 Oltorf site plan) rezoning, July 2016**

The ZNA Zoning Committee has been meeting with Mr. Trainer for the last two years to work out details of ZNA's support for his proposal to rezone and redevelop 1414 Oltorf and his adjacent properties. Over the last 20 years, ZNA has negotiated several rezoning agreements resulting in conditional overlays or other restrictions affecting these properties. They include Mr. Trainer's properties at 1414 Oltorf in 2011, 1412 Oltorf in 1997, and 2043 S. Lamar in 2005 and again in 2008 (ZNA's Vertical Mixed Use overlay), and the Rock N Roll Rental site at 1420 Oltorf in 2004. The ZNA Zoning Committee's primary concern is to see these existing agreements substantially preserved. We believe that the conditional overlay and public and private restrictive covenants described in Mr. Moore's staff report accomplish that aim.

Chief among these agreements are:

**Withdrawal of the previous request for CS-1 zoning** to allow a cocktail lounge use on the property.

**A prohibition on late-hours alcohol sales**, which should reduce late-night car traffic on the driveway adjacent to the residential use. Besides the effect on residents at 1416 Oltorf, the increase in late-night traffic created by cocktail lounge uses and alcohol sales after midnight would exacerbate problems experienced by residents south of Oltorf, east of the creek, and west of South Lamar.

**A prohibition on live outdoor amplified music** within the compatibility setbacks. We do not expect that prohibition to be extended to the entire new project. However, prohibiting live outdoor amplified music to the east and north of 1416 Oltorf would protect residents west of South Lamar as well as residents at 1416 Oltorf. Mr. Trainer has agreed that *outdoor music applications elsewhere on the property will not exceed the terms currently in effect for the rest of the neighborhood: 70 decibels, with cutoff times of 8 p.m. Sunday-Thursday and 10 p.m. Friday-Saturday.*

Other agreements will be incorporated into a private restrictive covenant to be finalized before the case goes to Council in August.

(signed)

Lorraine Atherton,

ZNA Zoning Committee member, on behalf of the ZNA Executive Committee

P.S. Regarding 2043 S. Lamar (Olivia parcel): The vertical mixed use overlay on 2043 S. Lamar has dimensional standards and parking reduction to 60%, along with the maximum affordable housing requirement, all of which ZNA wants to maintain. The VMU properties between Oltorf and W. Mary represent a significant part of ZNA's contribution to Austin's comprehensive plan, and the entire VMU proposal for South Lamar was approved by the general membership.



## 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.austintexas.gov/planning](http://www.austintexas.gov/planning).

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: C14-2015-0146

Contact: Andrew Moore, 512-974-7604

Public Hearing: June 16, 2016, City Council

Your Name (please print)

Francesca McCann

Your address(es) affected by this application

2113 Oxford Ave.

Signature

6/28/16

Date

Daytime Telephone: 202-641-7622

Comments:

NO

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

City of Austin

Planning & Zoning Department

Andrew Moore

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor  
☒ I object