

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-20
AGENDA DATE: Thu 11/17/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0137 - 1109 South Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 South Lamar (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning Zoning and Platting Commission Recommendation To deny commercial-liquor-sales-conditional overlay (CS-1-CO) combining district zoning Applicant and Agent: Bobbie Lemmond City Staff Robert Heil, 974-2330

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0137

ZAP Date: October 18, 2005
October 4, 2005

ADDRESS: 1109 S. Lamar Blvd

OWNER/APPLICANT: Bobbie Lemmond

AGENT: Bobbie Lemmond

ZONING FROM: CS

TO: CS-1-CO

AREA: 0.287 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of Commercial Liquor Sales – Conditional Overlay (CS-1-CO). The conditional overlay would make liquor sales a prohibited use, and would limit trips generated by the site to no more than 2000 vehicle trips per day.

The applicant agrees with the conditional overlay.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

October 4, 2005: Postponed to 10/18 by the neighborhood

October 18, 2005: *DENIED STAFF'S RECOMMENDATION FOR CS-1-CO ZONING [J M, J D 2ND] (8-0) T R – LEFT EARLY*

DEPARTMENT COMMENTS:

Staff recommends approval Commercial Liquor Sales – Conditional Overlay (CS-1-CO). The conditional overlay would make liquor sales a prohibited use, and would limit trips generated by the site to no more than 2000 vehicle trips per day.

The stated intent of the applicant is renovate the existing building, formerly housing an automotive repair business, and open a live music venue, serving alcohol.

The property lies within the proposed Zilker Neighborhood Planning Area, which will begin its plan in October.

There does not appear to be adequate parking on site for the proposed use. The applicant is pursuing shared parking arrangements with surrounding property owners on the east side of Lamar. Parking will be fully addressed at the site plan review.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Automotive Repair
<i>North</i>	CS	Salon, Bike Shop Auto Repair
<i>South</i>	CS-MU-CO	Undeveloped, Print Shop
<i>East</i>	CS	Sound Studio, Music Shop, Equipment Repair
<i>West</i>	GR & CS	Fast Food, Restaurant, Theater

AREA STUDY: The property lies within the proposed Zilker Neighborhood Planning Area, which will beginning its plan in October

TIA: N/A

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- A Better Barton Creek
- Zilker Neighborhood Assn
- Barton Springs/ Edwards Aquifer Conservation Dist
- South Central Coalition
- Austin Neighborhoods Council
- Save Our Springs Alliance
- Bouldin Forward Thinking

SCHOOLS: (AISD)

Zilker Elementary School O Henry Middle School Austin High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
South Lamar Boulevard	90'	60'	Arterial
Gibson Street	50'	36'	Collector

Capital Metro bus service is available along Lamar Boulevard
There are existing sidewalks along Lamar Boulevard

CITY COUNCIL DATE: 11/17/05

ACTION:

ORDINANCE READINGS:

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil

PHONE: 974-2330

e-mail address robert.heil@ci.austin.tx.us



A diagram of a 1D lattice with 5 sites. The second site from the left is occupied by a single fermion, represented by a solid black dot. The other four sites are empty.

ZONING

INTLS SM

**CITY GRID
REFERENCE
NUMBER**
H21



SUMMARY STAFF RECOMMENDATION

C14-05-0155

Staff recommends approval Commercial Liquor Sales – Conditional Overlay (CS-1-CO) The conditional overlay would make liquor sales a prohibited use, and would limit trips generated by the site to no more than 2000 vehicle trips per day

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The site is currently zoned for intense commercial use. The change to CS-1-CO would prohibit liquor sales as a use, but would allow a music venue serving alcohol. Such a use, classified as a cocktail lounge, is appropriate for the site.

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

Similarly situated sites have been granted CS-1 zoning for similar uses. There are both music venues and other businesses which have liquor sales as a significant portion of their sales along South Lamar.

EXISTING CONDITIONS

The stated intent of the applicant is renovate the existing building, formerly housing an automotive repair business, and open a live music venue, serving alcohol.

The surrounding land is predominated by General Commercial Services (CS) zoning and intense commercial uses.

There are no significant site constraints which would prevent the property from being used as a cocktail lounge.

Transportation

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

The trip generation under the requested zoning is estimated to be 2,758 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).

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].

Capital Metro bus service is available along Lamar Boulevard.

There are existing sidewalks along Lamar Boulevard

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
South Lamar Boulevard	90'	60'	Arterial
Gibson Street	50'	36'	Collector

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.

At this time, site-specific information is unavailable regarding existing trees and 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

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments are required, the landowner, at own expense, will be responsible for providing. Also, 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.

Site Plan

The site is subject to compatibility standards due to the SF-3 zoned property within 540 feet. Along the north and west property line, the following standards apply:

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive
- 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

CITY ZONING AND PLATTING COMMISSION
October 18, 2005 [ANNOTATED]
CITY HALL – COUNCIL CHAMBERS
301 W. 2nd Street

CALL TO ORDER – 6 00 P.M

COMMENCED: 6:10 P.M.

ADJOURNED: 1:30 A.M.

_____ Betty Baker - Chair
 _____ John Philip Donisi
 _____ Jay Gohil
 _____ Clarke Hammond - Secretary

_____ Melissa Hawthorne- Assist Sec
 _____ Keith Jackson - Parliamentarian
 _____ Joseph Martincz – Vice-Chair
 _____ Janis Pinnelli
 _____ Teresa Rabago

ALL PRESENT

CONDUCT OF PUBLIC HEARINGS

- 1 Chair announces request
- 2 Staff presents a summary of the case
- 3 Chair calls on those FAVORING the request
- 4 Applicant's presentation (5 minutes)
- 5 Others favoring the request (3 minutes)
- 6 Chair calls on those OPPOSING the request
- 7 Primary presentation (5 minutes)
- 8 Others opposing the request (3 minutes)
- 9 Applicant is given opportunity to answer objections stated (3 minutes)
- 10 Staff summation and questions from the Commission
- 11 The public hearing on a zoning case may be closed and no further testimony is taken from the public
- 12 If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation (Section 25-2-282)

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda, "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK)

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The

Facilitator Robert Heil

City Attorney Mitzi Cotton & Holly Noelke, 974-2179, or Marty Terry, 974-2974

- 15. Rezoning:** **C14-05-0135 - Highway 183 / Highway 71 / Ben White**
Location 1200-1324 Dalton Lane; 1301-1421 Bastrop Highway Service Road, Carson Creek Watershed
Owner/Applicant JHX2 / Lampting Joint Venture (C W Hetherly)
Agent Graves, Dougherty, Hearon & Moody, P.C. (Peter J Cesaro)
Request CS; I-RR to CH
Staff Rec **POSTPONEMENT REQUEST BY THE STAFF TO 11-1-05**
Staff. Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 11/1/05 (STAFF)
[J.M; J.G 2ND] (9-0)

- 16. Rezoning:** **C14-05-0147 - Miravue**
Location 1704 S Lamar Blvd , West Bouldin Creek Watershed
Owner/Applicant Captivity Investments One (Darin Davis)
Agent QMET (Gordon Bohmfalk)
Request CS to CS-MU-CO
Staff Rec : **RECOMMENDED**
Staff Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION FOR CS-MU-CO ZONING; BY
 CONSENT.**
[J.M; J.G 2ND] (9-0)

- 17. Rezoning:** **C14-05-0137 - 1109 S. Lamar**
Location 1107, 1109 South Lamar, West Bouldin Creek Watershed
Owner/Applicant Bobbie Lemmond
Agent Vincent Huebinger
Postponements Postponed on 10/04/05 (Neighborhood)
Request CS to CS-1-CO
Staff Rec **RECOMMENDED**
Staff. Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

DENIED STAFF'S RECOMMENDATION FOR CS-1-CO ZONING.
[J.M; J.D 2ND] (8-0) T.R - LEFT EARLY