

C32
/1

**PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT REVIEW SHEET**

CASE NUMBER: SPC-2010-0061C **PLANNING COMMISSION DATE:** Dec. 14, 2010

ADDRESS: 202 South Lamar Blvd.

PROJECT NAME: The New Theatre at Zach

WATERSHED: Town Lake (Urban)

AREA: 27.21 Acres, w/ Appx. 103,024 sq. ft. Limits of Construction

EXISTING ZONING: P, Public, CS, Commercial Services and CS-1, Commercial Liquor Sales

PROPOSED USE: Theatre

APPLICANT: City of Austin, (Nick Naccarato)
P.O. Box 1088
Austin, TX 78767 (512) 974-7115

DEVELOPER: Zachary Scott Theatre Center (Susan Benz)
1510 Toomey Road
Austin, TX, 78704

AGENT: UTE Consultants Inc. (Joan Ternus P.E.)
7401 B Hwy 71, Suite 200
Austin, TX 78735

CASE MANAGER: Nikki Hoelter 974-2863
Nikki.hoelter@ci.austin.tx.us

PROPOSED DEVELOPMENT:

The applicant is requesting approval of a Conditional Use Permit for the development of the existing Zachary Scott site to expand and construct a new 2 story, 29,869 square foot theatre, with a fly tower, plaza, rain garden, and sidewalk improvements. Because it is zoned "P"-Public, and the site improvements are greater than one acre in size, a Conditional Use Permit is required, to establish the site development regulations for the site, according to the Land Development Code Section 25-2-625. The site consists of three zoning districts, P, Public, CS, Commercial Services and CS-1, Commercial Liquor Sales, however the P zoning districts triggers a CUP, otherwise the project would not require Commission approval.

C32
/6

3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: The proposed project does not affect adjacent properties or traffic control through its location, lighting or type of signs. Lighting will be shielded and signs will comply with the sign ordinance.

C32
1/2

WAIVER REQUESTS:

1. Entryways or architectural detailing is required to break the continuity of nontransparent base walls. (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake. [LDC Section 25-2-733(E)(2)(3)]
2. For a ground level wall that is visible from park land or a public right of way that adjoins parkland, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.[LDC Section 25-2-733(E)(1)]

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit and both waivers. The site is currently developed and used for the Zach Scott theatre. The architect, owner (City of Austin) and Zach Scott representatives have worked diligently to propose a plan and structure to meet the intent of the Waterfront Overlay ordinance, while also trying to accommodate the functionality of a theatre. The site plan will comply with all requirements of the Land Development Code.

PROJECT INFORMATION

SITE AREA	1,185,267.6 Sq. Ft.	27.21 acres	
EXISTING ZONING	P, CS-1 and CS		
WATERSHED	Town Lake (Urban)		
WATERSHED ORDINANCE	Comprehensive Watershed Ordinance (Urban)		
TRAFFIC IMPACT ANALYSIS	Not required		
CAPITOL VIEW CORRIDOR	None		
PROPOSED ACCESS	Toomey Road, Riverside Dr. extension, Lamar Blvd.		
P, Public zoning district (26.35 acres)	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	n/a	22,852 sf	.05:1; 52,721 sf
BUILDING COVERAGE	n/a	24,927 sf	3.64% 41,753 sf;
IMPERVIOUS COVERAGE	n/a	12.94%	17.62%; 202,253 sf
PARKING**	333 spaces; 266 spaces w/20% reduction	295	299

C32
1/3

CS-1 zoning district (.20 acres)	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	2:1	.95:1	0
BUILDING COVERAGE	95%	8862 sf	0
IMPERVIOUS COVERAGE	95%	8891 sf	0

CS zoning district (.66 acres)	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	2:1	.50:1	0
BUILDING COVERAGE	95%	12,200 sf	0
IMPERVIOUS COVERAGE	95%	27,613 sf	27, 521 sf; 95%

** Entire site - PARD facility, theatre, and softball fields

WATERFRONT OVERLAY SUBDISTRICT: Butler Shores

Primary setback: 100 feet landward from the Town Lake shoreline

Secondary setback: 100 feet from the primary setback line of Town Lake

PARK NAME: Town Lake – Butler Shores

NEIGHBORHOOD PLAN: South Lamar Combined Neighborhood Planning Area - Zilker

PLANNING COMMISSION ACTION: The conditional use site plan is not yet scheduled for Planning Commission

***See attachment for a list of all Boards and Commission dates and recommendations.

SUMMARY COMMENTS ON SITE PLAN:

The proposed theatre is located on a developed site, which currently has two Zach Scott theatre buildings, an art workshop building, Parks and Recreation office building and surface parking. Zach Scott entered into a 99 year lease agreement with the City of Austin to continue operating and to expand the theatre use. One lot which fronts on Toomey Road is owned by Zach Scott, and the remainder of the site is owned by the City of Austin. Additional improvements include sidewalks improvements along Riverside Drive built to Core Transit Corridor Standards as required by Subchapter E, Commercial Design Guidelines. The applicant will also provide a rain garden, which will provide water quality and landscaping, and a plaza for theatre patrons.

This parcel is totally within the Waterfront Overlay, Butler Shores Subdistrict. With the exception of the two waiver requests, this project is in compliance with heights, setbacks, impervious cover and use limitations of the Waterfront Overlay district.

The applicant is requesting approval from the Planning Commission of this conditional use permit plan, with the variances to the clear or tinted glass requirement as well as the utilization of natural building material requirement for buildings visible to Town Lake. The design meets the intent of the requirement.

C32
/4

COMPATIBILITY

Compatibility standards are not triggered for this site. The site is surrounded by compatible uses and zoning districts.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	P, CS-1, CS	Theatre, art workshop, PARD office and surface parking
<i>North</i>	P	Softball fields, hike and bike trail and Town Lake
<i>South</i>	CS-V	Restaurant, Mixed use commercial/condos
<i>East</i>	CS-V, CS, CS	Restaurant, Mixed use commercial/condos
<i>West</i>	P	Softball fields, offices

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
So. Lamar Blvd.	Varies	Approx. 90'	Major Arterial, 4 lane divided, Scenic Roadway and Core Transit Corridor
Toomey Rd.	Varies	Approx. 30'	Collector
Riverside Dr. extension	Varies	Approx. 40'	

NEIGHBORHOOD ORGANIZATION:

- 1075- League of Bicycling Voters
- 767- Downtown Austin Neighborhood Coalition
- 786- Homebuilders Assn. Of Greater Austin
- 623- City of Austin Downtown Commission
- 511- Austin Neighborhood Council
- 498- South Central Coalition
- 1037-Homeless Neighborhood Assn
- 1004-Save Town Lake Org.
- 1200- Super Duper Neighborhood Objectors and Appeals Organization
- 1228 - Sierra Club
- 107 - Zilker Neighborhood Association
- 498 - South Central Coalition

C32
/5

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: "The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

A conditional use site plan must:

1. **Comply with the requirements of this title;** Staff response: This application complies with the requirements of this title.
2. **Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the zoning district. All uses as shown are permitted uses, consistent with this zoning district.
3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;** Staff response: This application is compatible with the requirements of the zoning district. This site will comply with all compatibility standards.
4. **Provide adequate and convenient off-street parking and loading facilities;** Staff response: Adequate and convenient off-street parking is provided in compliance with LDC standards for this site.
5. **Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute additionally to any of these adverse effects. This application has been reviewed for erosion and drainage controls, fire access, and meets or exceeds all code requirements.
6. **For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.** Staff response: The proposed project is not in the East Austin Overlay. It is in the South Lamar Combined Neighborhood Planning Area, Zilker district, which is a plan in progress.

A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The site plan will conform with all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a regularly permitted use in a P zoning district. The addition of this theatre building with the rain garden and amenities enhances the public use of the site.
2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: Development of this site will not adversely affect the safety or convenience of vehicular or pedestrian circulation.