

C18  
1

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

**CASE NUMBER:** SPC-2012-0190A    **PLANNING COMMISSION DATE:** 09/11/2012

**PROJECT NAME:**    The Marchesa Theatre & Hall

**PROPOSED USE:**    Cocktail lounge

**ADDRESS OF APPLICATION:**    6404 N IH 35 SB Service Road

**AREA:**    .229 acres interior area, part of 15.61-acre tract

**APPLICANT/**    Joseph Akers  
5221 N O'Connor Blvd, Suite 600  
Irving, TX 75039  
(972) 868-5266

**AGENT:**    Katherine Loayza  
Jackson Walker, LLP  
100 Congress, Suite 1100  
Austin, TX 78746  
(512) 236-2259

**CASE MANAGER:** Christine Barton-Holmes, LEED AP    Telephone: 974-2788  
[christine.barton-holmes@austintexas.gov](mailto:christine.barton-holmes@austintexas.gov)

**EXISTING ZONING:** CS-1-NP. The applicant is requesting a conditional use permit for a cocktail lounge at indoor entertainment and retail functions.

**PROPOSED DEVELOPMENT:** There is no proposed construction at the site – all uses will take place inside an existing multiuse building with existing parking.

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of the conditional use permit. The site plan will comply with all requirements of the Land Development Code prior to its release.

**PREVIOUS PLANNING COMMISSION ACTION:** C14-2012-0062 – change in zoning from CS-NP to CS-1-NP; approved by Council 6-0 on August 16, 2012.

**AREA STUDY:** St. John Coronado Hills Combined NPA **WATERSHED:** Tannehill Branch  
**APPLICABLE WATERSHED ORDINANCE:** Current/ Comprehensive watershed ordinance  
**CAPITOL VIEW:** Not in View Corridor  
**T.I.A.:** Not Required

C18  
1/2

**PROJECT INFORMATION:**

**ZONING:** CS-1-NP

**MAX. BLDG. COVERAGE:** 95%

**MAX. IMPERV. CVRG.:** 95%

**MAX HEIGHT:** 60'

**REQUIRED PARKING:** 918

**EXIST. USE:** Special events

**LIMITS OF CONSTRUCTION:** .229 acres  
interior space/no construction proposed

**PROPOSED BLDG. CVRG:** NA – existing

**PROPOSED IMP. CVRG:** NA – existing

**PROPOSED HEIGHT:** NA – existing single-story building

**PROVIDED PARKING:** 995

**PROPOSED USE:** Special events with  
Cocktail Lounge

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The applicant is requesting a conditional use permit to allow alcohol sales with a late hour permit at indoor entertainment and retail special events. The site is part of the existing Lincoln Village center. No outdoor events or construction are proposed. The site is limited to 2,000 trips per day by the St. John Coronado Hills Combined NPA. The site plan will comply with all requirements of the Land Development Code prior to its release. Staff recommends approval of the conditional use permit

**Environmental:** The site is in the Tannehill Branch watershed, which is within the Desired Development Zone. There is no increase in impervious coverage and no known Critical Environmental Features are located within the limits of construction.

**Transportation:** A traffic impact analysis was waived due to an agreement to limit vehicle trips to 2000 per day. Current vehicular access is available from the south-bound service road of IH 35 N and from Middle Fiskville Road. Parking is existing and available on site.

**SURROUNDING CONDITIONS:** Zoning/ Land use

**North:** CS-NP/CS-1-NP (retail/office/restaurant/cocktail lounge)

**East:** IH 35 N and IH 35 N southbound service road

**South:** CS-MU-NP(retail & multifamily), then Koenig Road

**West:** CS-NP/CS-1-NP (Highland Mall/Austin Community College)

<b><u>Street</u></b>	<b><u>R.O.W.</u></b>	<b><u>Surfacing</u></b>	<b><u>Classification</u></b>
Middle Fiskville	80'	75'	Road
N IH 35 SB Service Rd	540' (includes IH 35)	40'	Highway

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Independent School District  
Austin Monorail Project  
Austin Neighborhoods Council  
Brentwood/Highland Combined Neighborhood Plan  
Highland/Skyview Neighborhood Plan Contact Team  
Home Builders Assn. of Greater Austin  
Homeless Neighborhood Association  
League of Bicycling Voters  
North Austin Neighborhood Alliance  
Real Estate Council of Austin, Inc

SEL Texas  
Sierra Club, Austin Regional Group  
St. Johns Advisory Board  
St. John Neighborhood Association  
Super Duper Neighborhood Objectors and Appealers Organization

C18  
/3

### **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:**

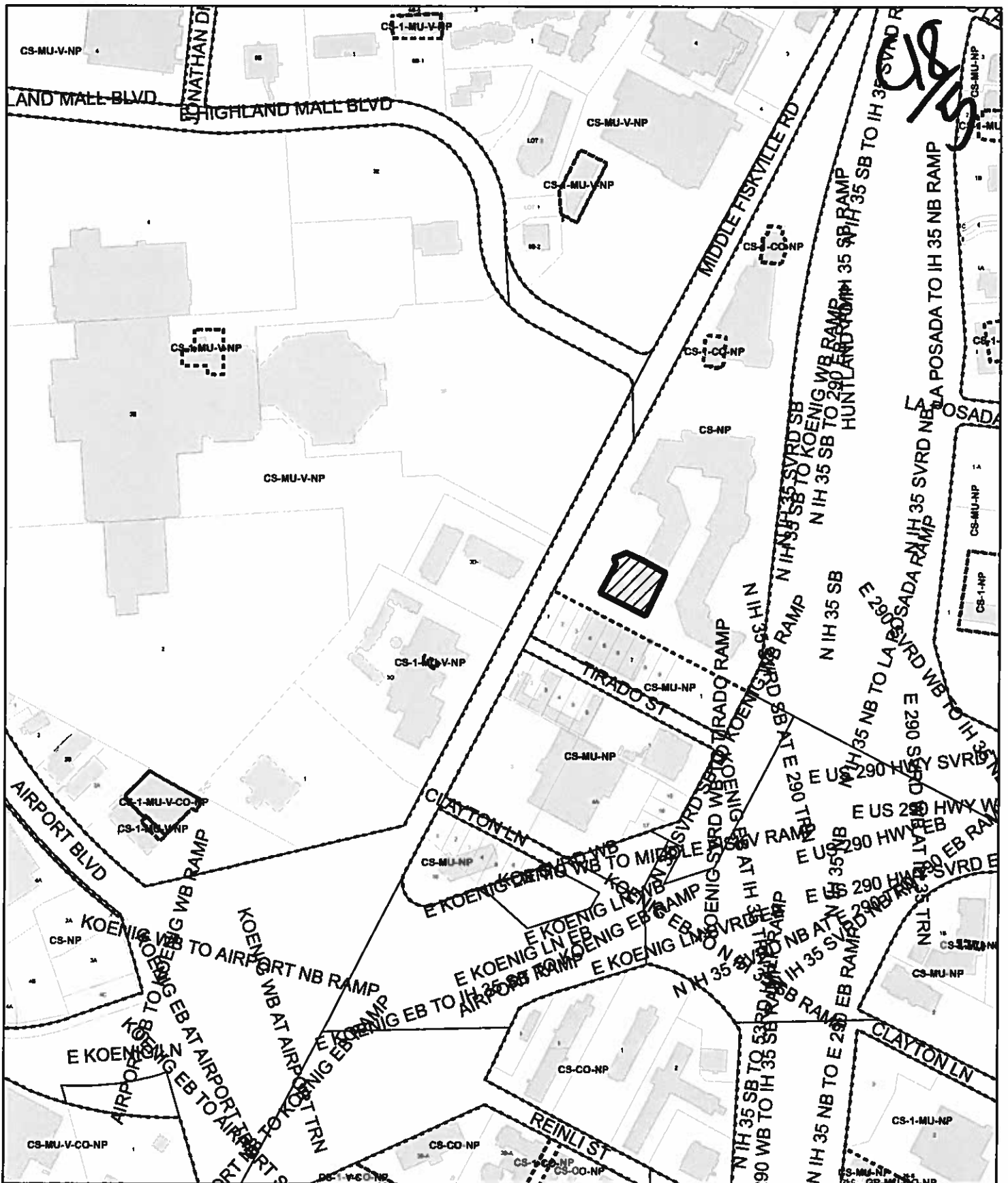
- 1. Comply with the requirements of this title; Staff response: This application complies with the requirements of this title.**
- 2. Comply with the objectives and purposes of the zoning district; Staff response: This application complies with the objectives and purposes of the zoning district.**
- 3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site; Staff response: This application is compatible with the abutting sites in all of these cases. This application falls within the regulations of the cocktail lounge ordinance (LDC 25-2-808 (c)(1)) regarding cocktail lounges as a conditional use.**
- 4. Provide adequate and convenient off-street parking and loading facilities; Staff response: Adequate parking and loading facilities have been provided.**
- 5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects; Staff response: The proposed project does not contribute to any of these adverse effects.**
- 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 district.**

#### **A Conditional Use Site Plan May Not:**

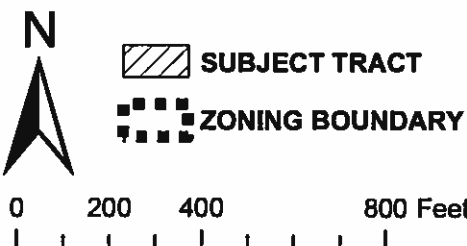
- 1. More adversely affect an adjoining site than would a permitted use; Staff response: The site plan will conform with all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted use.**
- 2. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; Staff response: Access is limited into the site, and surrounding vehicular circulation in the area of the project is not anticipated to have any detriment to safety or convenience.**

C18  
4

3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control.



48/5



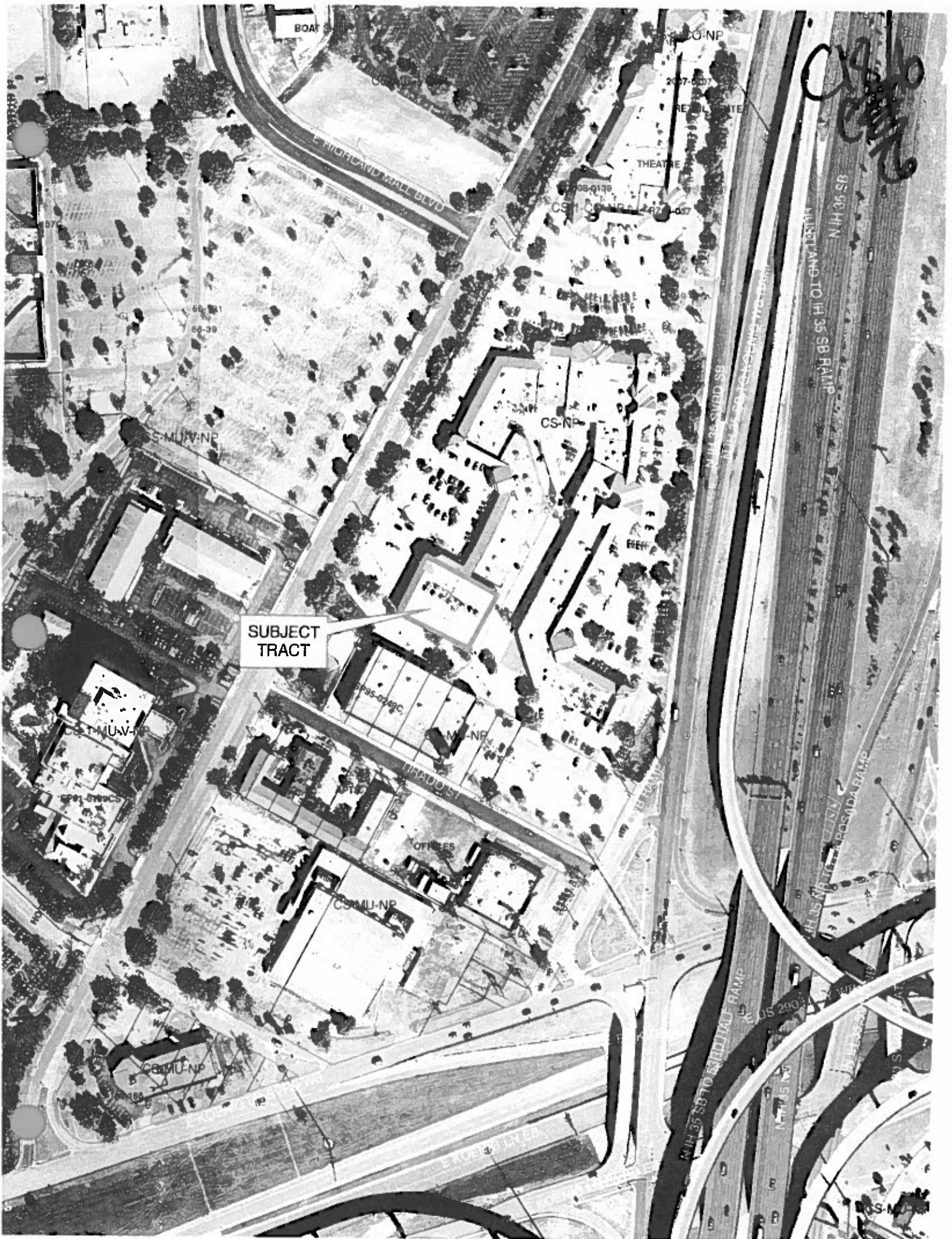
**SITE PLAN**  
**CASE#:** SPC-2012-0190A  
**ADDRESS:** 6406 N IH 35 SB Service Rd  
**CASE NAME:** The Marchesa Hall & Theatre  
**MANAGER:** Christine Barton-Holmes, LEED AP



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 the Planning and Development Review Department for the

**OPERATOR:** Christine Barton-Holmes, LEED AP





Katherine P. Loayza  
(512) 236-2259 (Direct Dial)  
(512) 236-2002 (Fax)  
kloayza@jw.com

C18  
7

June 5, 2012

Mr. Greg Guernsey, Director  
Planning and Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704

Re: Conditional Use Permit application for The Marchesa Hall and Theatre -  
6406 N. IH 35 Lincoln Village Shopping Center SPC - 2012 - 0190A

Dear Greg:

On behalf of Wells Fargo Bank, N.A. as Trustee for the registered holders of J.P. Morgan Chase Commercial Mortgage Securities Trust 2007-CIBC20, Commercial Mortgage Pass-Through Certificates, Services 2007-CIBC20, I am submitting a Conditional Use Permit application for the old Monarch Theatre, now known as The Marchesa Hall and Theatre (the "Marchesa") in the Lincoln Village Shopping Center. The Conditional Use Permit (CUP) is in conjunction with the proposed rezoning of the site from the current zoning, "CS-NP" General Commercial Services Neighborhood Plan to "CS-1-NP". The property is within the recently adopted St. John/Coronado Hills Combined Neighborhood Plan and is within the area designated as "Mixed Use" according to the approved Future Land Use Map (FLUM).

The rezoning request does not trigger an amendment to the FLUM as the existing indoor entertainment use and associated request for liquor sales or cocktail lounge use is allowed in the FLUM "Mixed Use" category. The St. John Neighborhood Association is in support of the rezoning request, which was considered by their executive board while the neighborhood planning process was underway.

The Marchesa encompasses 17,878 square feet of indoor entertainment space with associated office and equipment storage. The CUP request is only for a portion of the Marchesa, or 9,989 square feet that is proposed to be rezoned to "CS-1". The purpose for the rezoning is to allow patrons attending an event at the Marchesa the option to purchase alcoholic beverages if they so choose. The Marchesa is leased to different venues such as weddings, music and film events, the Blue Genie Holiday Arts Bazaar, charity functions and many other special events.

Mr. Greg Gurnsey  
June 5, 2012  
Page 2

C18/8

The proposed CUP and rezoning will not create a cocktail lounge use. The proposed conditions with the rezoning request are to require that alcoholic sales be limited to 49% or less and to limit the vehicle trips per day to 2,000 or less.

There will be no new construction with this proposed rezoning and Conditional Use Permit site plan; the only change proposed will be to allow the owner of the Marchesa to obtain a TABC permit for alcoholic beverage sales with a late hours permit. Alcoholic beverage sales will not necessarily occur with all events held at the facility.

Please do not hesitate to contact me should you have any questions regarding this CUP request.

Sincerely,



Katherine P. Loayza



C18/9

**CITY OF AUSTIN  
TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET**

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: Marchesa Theatre  
 LOCATION: 6406 N. IH 35 # 3100  
 APPLICANT: Katherine Loayza TELEPHONE NO: 236-2259  
 APPLICATION STATUS: DEVELOPMENT ASSESSMENT ZONING:            SITE PLAN: X (CUP)

**EXISTING:**

**FOR OFFICE USE ONLY**

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY
	.229	9,987	CS-NP	indoor rec/theatre retail sales			

**PROPOSED**

**FOR OFFICE USE ONLY**

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY
	.229	9,987	CS-I-NP	indoor rec/ *cocktail lounge retail sales			

\* As defined in the LDC, not as the intended use

**ABUTTING ROADWAYS**

**FOR OFFICE USE ONLY**

STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
1H 35 frontage	Yes		
Middle Fiskville Rd	Yes		

**FOR OFFICE USE ONLY**

- A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.
- A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.

✓ The traffic impact analysis has been waived for the following reason: Applicant agrees to limit vehicle trips to 2,000 per day

- A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY: Heleen Pleas DATE: 6-14-11

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NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application, therefore, this completed and reviewed form MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.

Clark Patterson  
Development Review Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767  
512. 974.7691

December 1, 2010

C18  
10

Re: **LINCOLN VILLAGE -THE MARCHESA THEATER REZONING**  
6406 N IH 35 # 3100  
Austin, TX 78752-4337  
**LETTER OF CONCERN**

It is my understanding that you have been requested to approve zoning changes for the Lincoln Village's Marchesa Theater.

As parents and homeowners, our concerns are always focused on quality of life-related impact on our family and neighbors. I share the desire to maintain St. Jhon's character with those whose history in St. Jhons far exceeds my own. As a representative of the St. Jhon Neighborhood association, I would like to inform you that our neighborhood is glad to take part in this decision; which, we believe could significantly affect our neighborhood. As a result a meeting was arranged on November 22, 2010 to discuss the matter. And the following conclusion was reached; we will agree to the proposed rezoning of Lincoln Village's Marchesa Theater only with a restrictive covenant stating that zoning for the proposed building will remain CS-1 only if alcohol sales for such building remain less than 49%.

The continued viability and intelligent economic expansion of the Lincoln Village's Theater and the surrounding business district as well as neighborhoods are in all our best interests. We kindly request your consideration in the zoning change decision. If you any questions and/or comments, please contact me: 512. 350.4845.

Thank you and enjoy your weekend.

  
**LOC Consultants, LLP**

Civil, Structural, & Environmental Engineers

*Carolina Escamilla, EIT*

*Civil / Architectural Engineer*

*1000 E. Cesar Chavez Street, Suite 100*

*Austin, Texas 78702*

*Ph. 512-499-0908 Ext. 106*

*Fax 512-499-0907*

SCANNED

**LINCOLN VILLAGE  
SHOPPING CENTER**  
6406 N IH-35, SUITE 3100  
AUSTIN, TEXAS 78752

