

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2012-0165  
W.O.B.**P.C. DATE:** 02/12/2013**ADDRESS:** 3109 S Lamar Blvd**AREA:** 0.081 Acres (3,522 sq. ft.)**OWNER:** Residences at the Spoke, LLC (by Josh Delk with Transwestern)**APPLICANT:** Bury + Partners, Inc. (Melissa Neslund)**ZONING FROM:** CS-V; General Commercial Services – Vertical Mixed Use Building**ZONING TO:** CS-1-V; Commercial Liquor Sales – Vertical Mixed Use Building**NEIGHBORHOOD PLAN AREA:** South Lamar  
(South Lamar Combined Neighborhood Plan Area)**SUMMARY STAFF RECOMMENDATION**

To grant CS-1-V; Commercial Liquor Sales – Vertical Mixed Use Building

**PLANNING COMMISSION RECOMMENDATION:**

February 12, 2013

To grant CS-1-V; Commercial Liquor Sales – Vertical Mixed Use Building [Motion by Commissioner Roark; Seconded by Commissioner Oliver. Passed 5-3. Nays: Commissioners Chimenti, Smith &amp; Stevens. Absent: Commissioner Hernandez]

**DEPARTMENT COMMENTS:**

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in determining the staff recommendation.

The subject tract is located on the east side of South Lamar Boulevard between its intersections with Manchaca Road and Ben White/Capital of Texas Highway, approximately 1100 feet south of the Barton Skyway/Lightsey Road and Lamar Boulevard intersection. The subject tract abuts South Lamar Boulevard, and is surrounded by existing CS and CS-V zoning (see Exhibits A and A-1) that is being redeveloped as a vertical mixed-use project. On the opposite, or west, side of Lamar Boulevard are GR and GR-V zoned properties comprised of automotive repair parts stores and service stations, various retail endeavors, and apartments. The subject tract is a footprint tract within a mixed-use development - currently under construction - that wraps around the well-known Broken Spoke restaurant and dancehall (see Exhibit A-2).

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-V	Vacant - Mixed Use Under Construction
<b>West of Lamar (north to south)</b>	GR-V	Service Station, Bakery, Auto Repair and Auto Parts Sales & Service, Assorted Retail, Equipment Rental
	GR	Apartments

	GR-V	Auto Repair and Auto Parts Sales & Service
	GR-CO	Single-Family Residence
	RR	Single-Family Residence
	GR	Auto Rental, Repair and Body Shop
<b>East of Lamar (north to south)</b>	CS-V; CS-1-V	Restaurants; Shopping Center; Vacant - Mixed Use Under Construction
	CS; CS-V; CS-1-V	Restaurant; Vacant - Mixed Use Under Construction;
	GR; GR-V-CO	Apartments; Restaurants
(along Manchaca)	GR-V; LO-CO; MF-2	Undeveloped; Office; Condominiums

**AREA STUDY:** No**WATERSHED:** West Bouldin Creek**TIA:** (Approved with Site Plan SP-2012-0021C)**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Barton Hills-Horseshoe Bend (Barton Hills NA)	7
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
Home Builders Association of Greater Austin	786
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Perry Grid 614	1107
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SEL Texas	1363

**SCHOOLS:**

Austin Independent School District

Joslin Elementary School

Covington Middle School

Crockett High School

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
South Lamar Blvd	100'	60'	Arterial	Yes	Yes	Yes

**CASE HISTORIES:**

Despite what might appear as significant redevelopment along this part of South Lamar Boulevard, with the exception of the Vertical Mixed Use Building Overlay opt-in rezoning in 2008, there has been very little rezoning in this area in the past 25 years. In fact, there have only been 2 rezoning cases within 1000 feet of this site in the past 15 years. In short, most redevelopment is occurring within existing zoning district assignments.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
<b>West of Lamar (north to south)</b>			
3300-3314 S Lamar C14-69-196			
3400 S Lamar C14-96-0077	I-SF-2 to GR-CO; I-SF-2 to NO-CO; I-SF-2 to SF-6-CO	Approved; 07/09/96	Approved; 08/22/96
3422 S Lamar C14-83-079	I-SF-2 to GR and RR	Approved: 01/07/1986	Approved; 12/18/1986
3500 S Lamar C14-85-209	SF-2 to GR	Approved; 09/03/1985	Approved; 06/19/1986
3508 S Lamar C14-84-299	I-SF-3 to GR	Approved; 10/16/1984	Approved; 02/14/1985
C14-07-0019	GR to GR-MU-CO	Approved; 04/24/2007	Withdrawn; 06/21/2007
3512-3610 S Lamar C14-04-0102	SF-2 to GR-MU-CO	Approved; 08/17/2004	Approved 11/18/2004
<b>East of Lamar (north to south)</b>			
2817-3321 S Lamar C14-68-278	I-A, 1 <sup>st</sup> H&A to C, 1 <sup>st</sup> H&A and C-2, 1 <sup>st</sup> H&A		Approved; 01/23/1969
2929 Block S Lamar	CS to CS-1	Approved; 04/86/1986	Approved; 07/03/1986
2910 Block Manchaca C14-81-244	I-A, 1 <sup>st</sup> H&A to GR, 1 <sup>st</sup> H&A		Approved; 08/05/1982
3000 Block Manchaca C14-82-032	I-A, 1 <sup>st</sup> H&A to GR, 1 <sup>st</sup> H&A		Approved; 08/05/1982
3100 Manchaca C14-98-0246	SF-3 to LO-CO	Approved; 1/26/1999	Approved; 03/25/1999
3108-3210 Manchaca C14-81-143	I-A, 1 <sup>st</sup> H&A to BB, 1 <sup>st</sup> H&A		Approved; 11/04/1981
3505 S Lamar C14P-80-050 and C8s-80-171	Woodmore Apartments	Approved; 9/02/1980 Approved; 9/23/1980	
3617-3717 S Lamar C14-68-267	I-A, 1 <sup>st</sup> H&A to LR, 1 <sup>st</sup> H&A		Approved; 01/23/1969

3607-3725 S Lamar C14-90-0059	LR to GR-CO and MF-2	No Recommendation; 12/04/1990	Approved; 12/06/1990
3701-3709 S Lamar C14-94-0131	LR to GR-CO	Approved; 10/25/1994	Approved; 12/01/1994

**CITY COUNCIL DATE:** March 7, 2013

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Lee Heckman  
e-mail address: lee.heckman@austintexas.gov

**PHONE:** 974-7604

**STAFF RECOMMENDATION****C14-2012-0165****BACKGROUND**

The subject tract is a footprint, comprising 3,522 square feet of a larger vertical mixed use project with approximately 20,000 square feet of restaurant and commercial uses, and 374 residential units. The tract is located immediately north of the existing Broken Spoke restaurant and dancehall.

**SUMMARY STAFF RECOMMENDATION**

To grant CS-1-V; Commercial Liquor Sales – Vertical Mixed Use Building

**BASIS FOR RECOMMENDATION**

This tract, along with all other property in the mixed use development, is zoned general commercial services (CS) district. CS is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are generally incompatible with residential environments. That said, the larger tract is a vertical mixed use development with significantly more residential than commercial.

The proposed commercial-liquor sales (CS-1) district is intended primarily for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. CS-1 has the same permitted uses as CS, with the addition of Adult Lounge, Cocktail Lounge, and Liquor Sales. A conditional use permit, approved by the Planning Commission, is required for a cocktail lounge.

***The proposed zoning should be consistent with the purpose statement of the district sought.***

The primary distinction between CS and CS-1 is the latter allows for a bar. The proposed use of the CS-1-V zoned footprint would be, as the applicant states, for an established brand of drinking establishment that does not yet have a presence in Austin.

***Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.***

Granting the requested zoning change from CS-V to CS-1-V will not be a detriment to the neighborhood as the property has been used as a commercial use in the past. Development of a CS-1 establishment within a mixed-use development does not substantially change the nature of the property, especially since restaurants within the development will be nearby. This subject footprint tract abuts the Broken Spoke restaurant and dancehall, and like the rest of the mixed-use project, fronts on a major arterial roadway.

***Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.***

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies this section of South Lamar Boulevard as an Activity Corridor. As discussed more fully below, staff concluded the comprehensive plan would support a bar at this location.

Given the zoning principles noted above, and how this property meets them, staff recommends granting CS-1-V to the subject tract.

Staff has received one return form, in response to public notification, expressing objection to the rezoning request (see Exhibit B).

## **EXISTING CONDITIONS & REVIEW**

### **NPZ Comprehensive Planning Review**

This zoning case is located on the east side of S Lamar Blvd, and contains a retail use. The proposed land use is a bar. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses include multi-family to the north, a vacant commercial buffer strip to the south, the Broken Spoke Restaurant to the west, and retail to the east.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an **Activity Corridor**. It is also located along a designated High Capacity Transit 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. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development and promoting a compact and connected city:

**LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

**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.

Based on this property being located along an Activity Corridor and a High Capacity Transit Corridor, adjacent commercial and multi-family land uses, and the Imagine Austin policies

referenced above, staff believes that this proposed bar is supported by the Imagine Austin Comprehensive Plan.

### **NPZ Environmental Review**

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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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.
4. According to floodplain maps there is no floodplain within the project area.
5. No trees are located on this property. 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. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **NPZ Site Plan Review**

1. There is an approved site plan on file and under construction, SP-2012-0021C.
2. If the CS-1 zoning is approved a correction will need to be done in DAC to make the changes to the site plan on file to show the appropriate zoning/calculations for this tract.

### **NPZ Transportation Review**

1. A traffic impact analysis (TIA) for this site was provided with the South Lamar Mixed Use Development under site plan SP-2012-0021C. The subject tract is located within that larger site. The TIA for this site plan was approved on 08/16/2012 and the applicant has posted 100% fiscal for a required signal light along South Lamar Blvd.
2. Existing Street Characteristics:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro</b>
South Lamar Blvd	100'	60'	Arterial	Yes	Yes	Yes

### **NPZ Austin Water Utility Review**

WW1. 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. 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.









Imagery: 2009

Exhibit A-1  
Aerial & Zoning

0 100 200 400  
Feet

1 inch = 200 feet



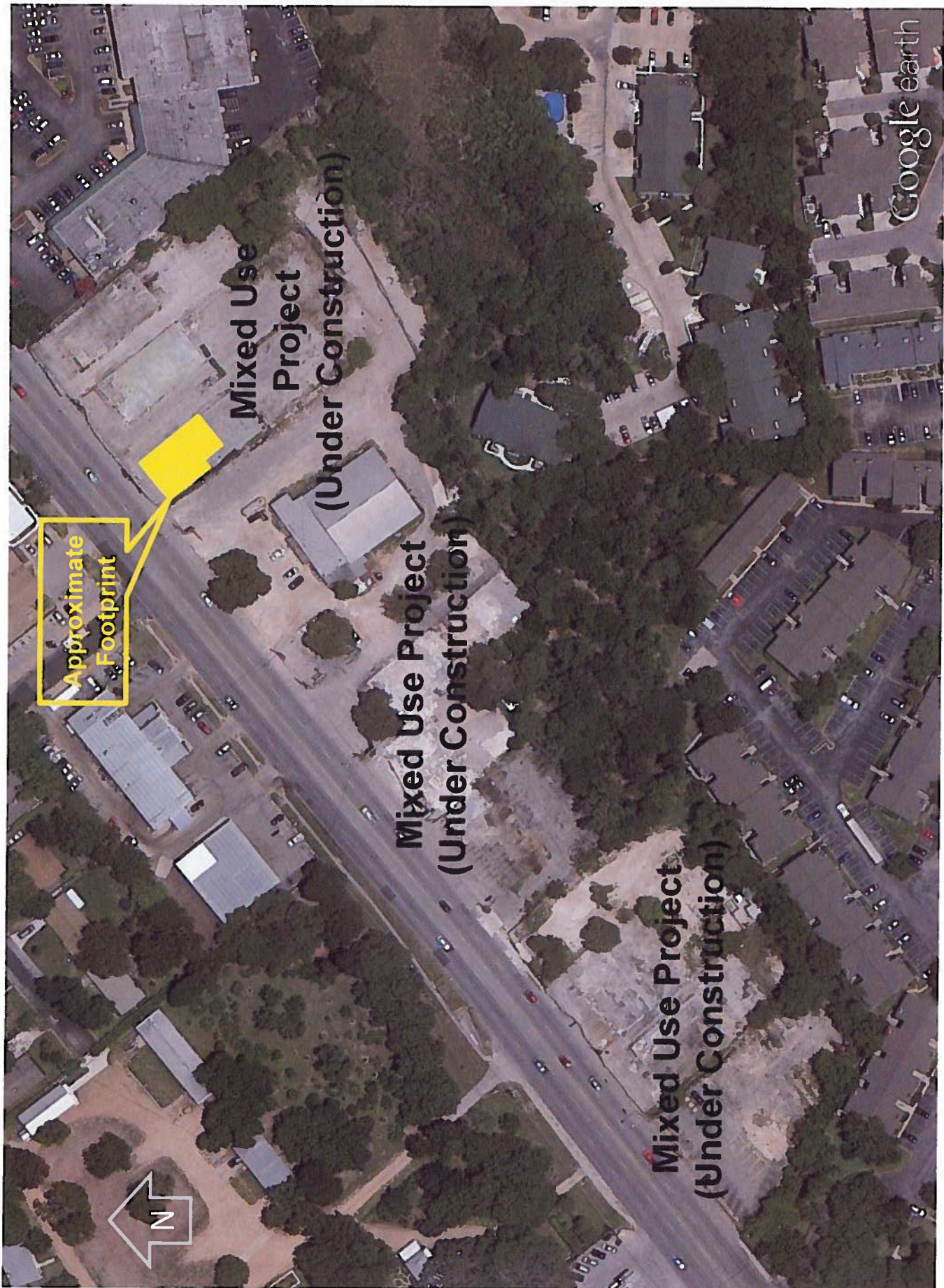


Exhibit A-2

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

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: C14-2012-0165

Contact: Lee Heckman, (512) 974-7604

Public Hearing: Feb 12, 2013, Planning Commission

Mar 7, 2013 City Council

Your Name (please print) Stephen Englander

☐ I am in favor  
☒ I object

2308 Westrock Dr. 78704

Your address(es) affected by this application

Stephen W. Englander

Signature

2-6-13

Date

Daytime Telephone: 373-8247

Comments: Changing zoning for this area to make it more incompatible with residential environments is wrong. We do not have or need alcohol service businesses expansion (the Broken Spire) as it wants. We do not have the infrastructure to support this development - water, road ways etc. are not sufficient to support this development without deteriorating declining on quality of life.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810