

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0088
1300 Plaza II

P.C. DATE: 09/10/2013

ADDRESS: 1300 S Lamar Blvd

AREA: 1801 square feet

OWNER: Lantzsch Family Trust (Thomas P. Lantzsch)

APPLICANT: UTE Consultants, Inc. (Joan Ternus)

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: Zilker
(South Lamar Combined Neighborhood Plan Area)

SUMMARY STAFF RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION:

September 10, 2013

To grant CS-1-V; Commercial Liquor Sales-Vertical Mixed Use Building * (Consent Motion: S. Oliver; Second: J. Stevens) 5-0
(Absent: A. Hernandez; J. Nortey)

- * Although approved on Consent, the Commission added the recommendation that the application not be acted upon by the City Council until the private restrictive covenant between the Zilker Neighborhood Association, the Mary Lee Foundation, and the owner be finalized.

DEPARTMENT COMMENTS:

The subject tract is located on the west side of South Lamar Boulevard between its intersections with Treadwell and Collier Streets, approximately 400 feet south of Lamar Plaza, home of the Alamo Drafthouse and Highball, and currently under redevelopment as a mixed-use project.

The subject tract is a footprint within a parcel that abuts South Lamar Boulevard, and is surrounded by existing CS, CS-V, and CS-V-1 zoning (see Exhibits A), with uses such as a service station, take out/delivery pizza, a printing shop, and cocktail lounge. To the west, is Lamar Square, a collection of multifamily structures fronting Lamar Square Drive, all of which are owned and operated by the Mary Lee Foundation, a non-profit that serves persons with disabilities. On the opposite, or east, side of South Lamar Boulevard are CS-V, CS-MU-V and MF-6 zoned properties, used for a car wash, service station, oil and brake services, and under development as a mixed-use project.

The request for a base zoning district of CS-1, Commercial Liquor Sales, is two-fold. First, a portion of the tract is already zoned CS-1-V, with the remainder CS-V. However, the existing CS-1-V does not cover the entirety of the building area that has been and will be used as a liquor store. Granting the CS-1-V zoning would extend the footprint to cover that

portion of the property formerly used for liquor sales. Second, there is a stated desire by the applicant to further redevelop the property as a cocktail lounge, if the requisite Conditional Use Permit (CUP) were granted. One option for the cocktail lounge use would be a rooftop option over the existing building, with stairs to the deck behind the existing building, but within the newly rezoned footprint that extends westward beyond the current building edge.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-V	Vacant (formerly liquor sales)
West of Lamar (north to south)		
	GR-V; CS-V; CS-V-1	Lamar Plaza (mixed-use development; under construction)
	CS-V	Restaurant;
	CS-V	Service Station w/Convenience Store; Food Sales; Vacant; Vacant; [Site]; Printing and Publishing
	CS-1-V	Cocktail Lounge
	CS-V	Consumer Repair/General Retail Sales
	GR-MU-CO	Post South Lamar (mixed use development; under construction)
	CS-V	Office
	CS	General Retail Sales (Convenience)
	CS-V	Automotive Repair Services
East of Lamar (north to south)		
	CS-V	Automotive Repair Services
	CS	Alternative Financial Services
	CS-1-V-CO	Cocktail Lounge
	CS-MU-V-CO	Gibson Flats (mixed-use development; under construction)
	CS-V	Automotive Repair Services; Automotive Washing; Automotive Repair Services
	CS-V-CO	Service Station w/Convenience Store; Food Sales
	CS-V/CS-1-V-CO	Food Sales; Personal Services; Food Sales; Pharmacy; Cocktail Lounge; Medical Office; Personal Services; Convenience Self Storage; and Automotive Repair Services

Lamar Square Drive properties are a mix of zoning districts. Tracts on the outside of the 60-foot wide right-of-way, variously zoned CS, CS-MU-CO, MF-4, MF-5, and MF-6-CO, are all used as multifamily housing and associated parking. Within the interior of the roadway, which is zoned CS, there are two multifamily structures, a community center, and an open space area which functions as a community park with benches, a gazebo, and so forth.

AREA STUDY: No

TIA: N/A

CAPITOL VIEW CORRIDOR: No

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Zilker Neighborhood Assn.

107

South Central Coalition

498

Austin Neighborhoods Council	511
Austin Independent School District	742
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Bike Austin (fka) 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
Beyond2ndNature	1409
Wildflower Church	1423
Preservation Austin	1424

SCHOOLS:

Austin Independent School District		
Zilker Elementary School	O. Henry Middle School	Austin High School

ABUTTING STREETS & TRANSIT:

Name	ROW	Pave- ment	Classification	Sidewalks	Bike Route / 2009 Plan Facility	Bus
South Lamar Blvd	114 feet	60 feet	Arterial (MAD4)	Yes	Yes (Shared Lane existing; Wide Curb Recommended)	Yes
Lamar Square Dr	60 feet	37 feet	Local	No	No	No

CASE HISTORIES:

In addition to the specific cases noted below, the Vertical Mixed Use Building Overlay opt-in rezoning (Case No. C14-2008-0060) was completed for approximately 70 acres in this area in 2008; adoption of the associated ordinance, 20081016-049, added the VMU designation to this property, as well as others. As part of that ordinance, the parent parcel of the subject rezoning tract and properties immediately north and south were granted an exemption to the Dimensional and Parking Requirements (4.3.3.E.2) of Subchapter E, Article 4.3 (Vertical Mixed Use Building).

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
West of Lamar (north to south)			
1330 & 1332 Lamar Square Drive	MF-4 to MF-6-CO	Recommended; 10/28/2008	Approved 01/15/2009 (CO limits height, FAR, & unit

C14-2008-0215SH			maximum)
1340 & 1342 S Lamar C14-06-0185	CS to CS-MU-CO	Recommended; 10/24/2006	Approved; 12/07/2006 (CO limits to 2000 vtd)
1418 S Lamar C14-06-0124	MF-3 and CS to GR-MU-CO	Recommended; 09/26/2006	Approved 04/19/2007 (CO limits uses); RC with 1500 S Lamar limits trips to 2980 vtd
1500 S Lamar C14-2007- 0054	GR-MU-CO to GR-MU-CO	Recommended; 06/12/2007	Approved; 06/21/2007 (provides for options under VMU ordinance)
C14-06-0123	GR to CS & GR- MU-CO	Recommended; 09/26/2006	Approved 04/19/2007 (CO limits uses); RC with 1418 S Lamar limits trips to 2980 vtd
East of Lamar (north to south)			
807, 809, & 811 S Lamar C14-2011-0153	GR-MU-V-CO, SF-3, GR-V, & RR to MF-6-CO	Recommended; 12/13/2011	Approved 01/26/2012 CO limits height to 60' & 2000 vtd)
903 and 905 S Lamar C14-2011-0154	SF-3 to MF-6-CO	Recommended; 12/13/2011	Approved; 01/26/2012 (CO limits height to 60' & 2000 vtd)
1109 S Lamar C14-05-0137	CS to CS-1-CO	Denied; 10/18/2005	Approved; 04/06/2006 (CO prohibits liquor sales, limits to 2000 vtd)
1117 – 1205 W Gibson Street C14-69-267	"A" Residence to "C" Commercial		Approved; 12/11/1969
1107, 1203, & 1205 S Gibson Street C14-2011-0002	CS-MU-CO to MF-6-CO	Recommended; 03/08/2011	Approved; 04/07/2011 (CO limits height to 60' & 2000 vtd)
C14-01-0047	CS to CS-MU	Recommended w/conditions; 05/01/2001	Approved 07/18/2001 (CO limits uses)
1201, 1219, & 1221 S Lamar C14-01-0136	CS to CS-MU-CO (as amended)	Recommended w/conditions; 10/23/2001; Recommended 11/27/2001	Approved; 01/10/2002 (CO limits uses, limits to 2000 vtd, & limits impervious cover on part of site)

CITY COUNCIL DATE: September 26, 2013

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman

PHONE: 974-7604

e-mail address: lee.heckman@austintexas.gov

STAFF RECOMMENDATION**C14-2012-0165****SUMMARY STAFF RECOMMENDATION**

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

BASIS FOR RECOMMENDATION**BACKGROUND**

The subject tract is a footprint, comprising just over 1800 square feet of a parcel with an existing structure. The parent parcel is assigned both CS-V and CS-1-V zoning. The CS-1-V covers some, but not all, of the existing building, which has been, and will be, used for liquor sales.

The proposed footprint would expand the CS-1 base zoning to encompass all of the building area proposed to be used as a liquor store. The CS-1 base zoning would also provide an opportunity for future development and use as a cocktail lounge, if the requisite CUP is granted.

General commercial services (CS) district 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. CS district zoning does not allow liquor sales as either a permitted or conditional use.

The 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 base district zoning is the latter allows for liquor sales and a cocktail lounge. The proposed use of the increased CS-1-V footprint would be, as the applicant states, to both cover the existing (but vacant) liquor store structure, and to provide the necessary groundwork for a future cocktail lounge.

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 for at least the past 40 years. Extending the CS-1 footprint to cover more of the existing structure does not substantially change the nature of the property, especially since the property has been used as a liquor store since at least 1972, and that is the same intended future use. If use of the site as a cocktail lounge is pursued, additional review for neighborhood compatibility and potential impacts will be part of the CUP review process. It should be noted that there is an existing and well-known cocktail lounge two doors to the south of the rezoning tract.

Additionally, this property will be renovated in conjunction with the properties immediately to the north, at 1232 and 1234 S. Lamar, by the same owner and applicant. Those buildings are also currently vacant. As proposed, the building at 1232 S. Lamar will be demolished while the building at 1234 S. Lamar will be slightly expanded. The renovated remaining building will be used as a restaurant, while the space left over from the demolished building will provide any necessary accessory offsite parking for the proposed liquor store/cocktail lounge. Given the historic retail uses of these properties, reuse as a restaurant, liquor store, and potential cocktail lounge do not substantially impact the neighborhood, given that the parcels front on a major arterial roadway. Because this parcel fronts on South Lamar Boulevard, a Core Transit Corridor, there are additional requirements for planting and landscaping, sidewalks, and parking placement. Given its current state with no trees or landscaping, redevelopment should lead to a softer interface with South Lamar Boulevard.

Staff is aware that a multifamily residential use lies across Lamar Square Drive from the parent parcel. Extension of the CS-1 base district zoning, to house all of the building used for liquor sales, has no impact on these residences, however, which would be approximately 75 feet away. Potential use of this extended footprint space for a stairway, to a rooftop deck used as a cocktail lounge fronting South Lamar, is a separate question, and one that would likely be considered with the CUP process.

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 above, staff concluded the comprehensive plan would support a cocktail lounge at this location. Though not specifically discussed, expansion of the existing CS-1 district to encompass the existing building, and its (continued) use as a retail liquor store, would be similarly supported by the comprehensive plan.

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

EXISTING CONDITIONS & REVIEW

Existing Conditions

The subject tract is an 1801 square feet footprint in a 0.2025-acre parent tract located at 1300 South Lamar Boulevard. City permit data indicates the initial one-story building was constructed in 1968. A 1200 square foot masonry addition was added in 1972, and at that time the property was already being used for liquor sales. A small wood addition was subsequently added. With the remainder of the front of the property paved for parking, and additional parking in the back, nearly the entire site is impervious cover. There are no trees, the property is flat, and there should be no environmental constraints to renovation, reuse, or repurposing.

NPZ Comprehensive Planning Review

July 22, 2013 (KF)

CS-V (General Commercial) to CS-1 (Liquor Sales)

This zoning case is located on the west side of South Lamar Boulevard. The 0.2025-acre property contains a small one story commercial building and is one of several small, connected commercial bays or buildings located along this section of S. Lamar Boulevard. This rezoning is not located within the boundaries of an adopted neighborhood planning area but is within the South Lamar Combined Planning Area. Surrounding land uses include commercial uses to the north, south, and east and an apartment building to the west. The proposed use is liquor sales.

In the last several years, South Lamar Boulevard has experienced a major upswing in redevelopment, and has become a major destination for new mixed use buildings, shopping, eating and entertainment in the Austin.

Imagine Austin

The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve '*complete communities*' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies this section of S. Lamar Boulevard as an Activity 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.

The following Imagine Austin policies discusses supports '*complete communities*', including a variety of retail and commercial uses:

- **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.

Based upon: (1) surrounding commercial uses; (2) the property being located along a major Activity Corridor as identified in the Imagine Austin Growth Concept Map, which supports commercial uses, including restaurants, bars and liquor sales, and; (3) the Imagine Austin policies referenced above, which supports a variety of land uses to promote complete communities, staff believes that this existing commercial land use is supported by the Imagine Austin Comprehensive Plan.

NPZ Environmental Review

July 30, 2013 (MM)

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 flood plain maps, there is no flood plain 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

August, 14, 2013 (NH)

A zoning change to CS-1 for a cocktail lounge will require a conditional use site plan.

NPZ Transportation Review

July 30, 2013

1. Additional right-of-way may be required at the time of subdivision and/or site plan.
2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

3. Existing Street Characteristics:

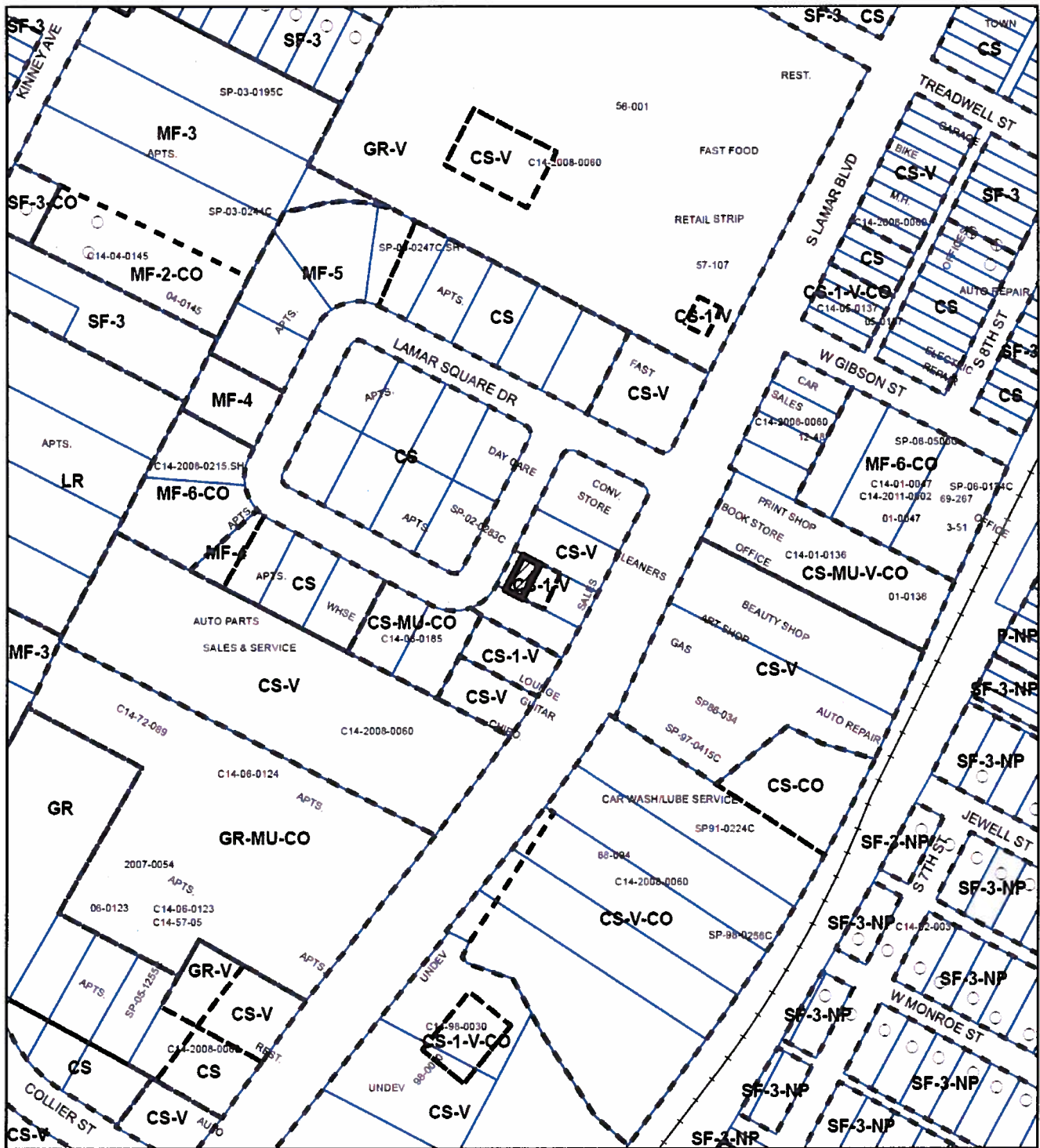
Name	ROW	Pavement	Classification	Daily Traffic
S. Lamar Boulevard	114'	60'	Major Arterial Divided 4-Lanes (MAD 4)	Not Available
Lamar Square Drive	60'	37'	Local	Not Available




4. There are existing sidewalks along S. Lamar Boulevard. Sidewalks are intermittent on Lamar Square Drive, with numerous curb cuts providing the majority of walking surface. Sidewalks have been recently installed in select areas.
5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, the existing shared lane bicycle facility is recommended to be a wide curb facility in the future.
6. Capital Metro bus services (route nos. 3, 103, and 338) are available along S. Lamar Boulevard at the intersection of Lamar Square Drive.

NPZ Austin Water Utility Review

July 22, 2013 (BB)

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans 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.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

ZONING

CASE#: C14-2013-0088

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.

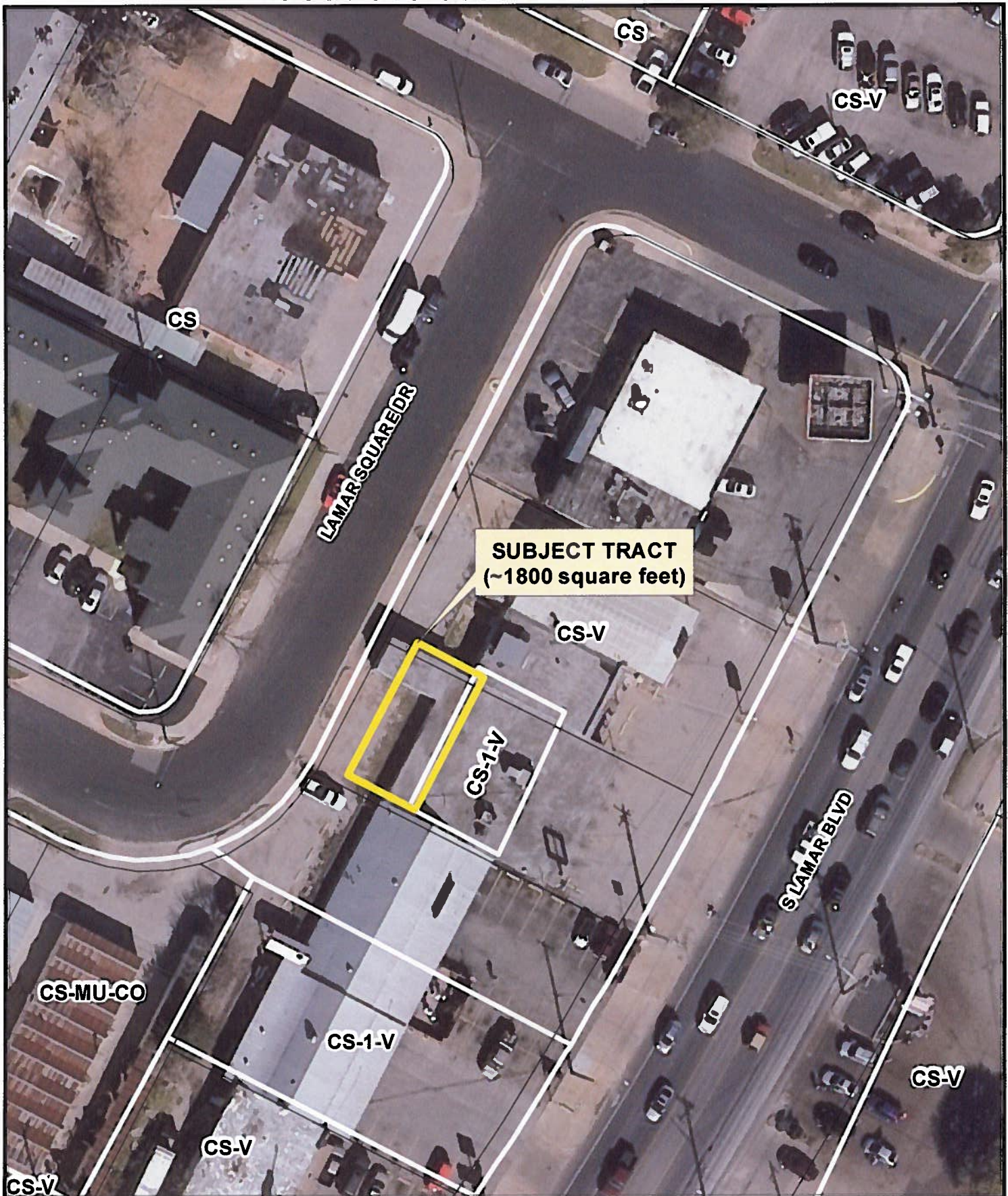
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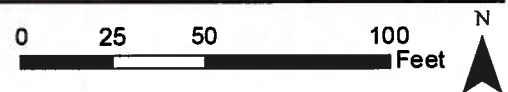
1 inch = 200 feet

C14-2013-0088 / Plaza 1300 II



Aerial Data: 2012-01

Exhibit A - 2
Aerial & Zoning



1 inch = 50 feet