

## ZONING CHANGE REVIEW SHEET

C14  
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**CASE:** C14-2013-0119  
Hyde Park Market

**P. C. DATE:** 12/10/13

**ADDRESS:** 4429 Duval Street

**AREA:** 0.277 acres

**APPLICANT:** 720 Lamar Place L.C.  
(Guy Oliver)

**AGENT:** Husch Blackwell, LLP.  
(Nikelle Meade)

**NEIGHBORHOOD PLAN AREA:** Central Austin Combined (Hancock subarea)

**CAPITOL VIEW:** No

**T.I.A.:** Waived – See the Transportation Reviewer's  
Comment's.

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** CS-MU-V-CO-NP - General Commercial Services, Mixed Use, Vertical Mixed Use Building, Conditional Overlay, Neighborhood Plan

**ZONING TO:** CS-1-MU-V-CO-NP - Commercial Liquor Sales, Mixed Use, Vertical Mixed Use Building, Conditional Overlay, Neighborhood Plan

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends CS-1-MU-V-CO-NP - Commercial Liquor Sales, Mixed Use, Vertical Mixed Use Building, Conditional Overlay, Neighborhood Plan. The Conditional Overlay would limit vehicle trips to not more than 2,000 per day.

### **PLANNING COMMISSION RECOMMENDATION:**

### **DEPARTMENT COMMENTS:**

The property is currently developed with convenience store. The applicant is proposing a small sit down area for the service of onsite alcoholic beverages. The applicant has met with the Hancock Neighborhood Association regarding the request. The Hancock Neighborhood Association has reviewed the applicants request had has voted to support the request (letter attached) as long as the applicant enters into a private restrictive covenant with the neighborhood. The details of the private restrictive covenant are outlined below.

1. Alcoholic Beverage Permit will be BG (Wine and Beer Retailers Permit/On and Off Premises Consumption) only - Authorizes the holder to sell for consumption on or off the premises where sold but not for resale, beer, ale, malt liquor, and wine not more than 14% or 17% alcohol content by volume.
2. Seating area limited to no more than 396 sq. ft.

3. Seating area hours of operation restricted to midnight – no operation between midnight and noon.
4. No long-term parking on site - all parking restricted to 15 min. parking.
5. Restrictions on lighting - Shielded, full cut-off, Dark Skies lighting in seating area.
6. Color temperature of the exterior lights will be warm white to neutral white range (2700-4000 K maximum).
7. Maximum pole height for parking lot lighting fixtures shall be the minimum required to achieve the necessary foot candle output for safety and security.
8. Lighting fixtures shall be equipped with glare shields in order to contain light within the site perimeter.
9. Lights shall comply with Subchapter E, Section 2.5 of the City of Austin Land Development Code Commercial Design Standards.
10. Owner will arrange back-up plan for overflow parking prior to permit approval.
11. No outdoor live music or amplified sound.

#### **BASIS FOR RECOMMENDATION:**

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

Granting the requested zoning would allow for mixed-used development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled and serves neighborhood needs in conformance with the Comprehensive Plan and the Neighborhood Plan.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	CS-MU-V-CO-NP	Convenience Store
<b>NORTH</b>	GR-NCCD-NP/MF-3-NCCD-NP	Multi-Family
<b>SOUTH</b>	CS-MU-V-CO-NP	Multi-Family
<b>EAST</b>	SF-3-CO-NP	Single Family
<b>WEST</b>	CS-HD-NCCD-NP	Single Family

#### **CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2007-0239	From MF-4-NP to MF-4-CO-NP	Approved MF-4-CO-NP [Vote: 7-0]	Approved MF-4-CO-NP [Vote: 7-0]
C14-2007-0110	From MF-4-NP to MF-4-CO-NP	Approved MF-4-CO-NP [Vote: 7-0]	Approved MF-4-CO-NP [Vote: 7-0]

**NEIGHBORHOOD ORGANIZATION:**

- University Area Partners
- CANPAC
- Austin Neighborhood Council
- 45<sup>th</sup> Street Concerned Citizens
- Hancock Neigh. Assoc.
- North Austin Neigh. Alliance

**SCHOOLS:**

Ridgetop Elementary School  
 Lamar Middle School  
 McCallum High School

**SITE PLAN:**

- SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 2. The site is subject to compatibility standards. Along the west property line, the following standards apply:  
 No structure may be built within 25 feet of the property line.  
 No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.  
 No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.  
 No parking or driveways are allowed within 25 feet of the property line.  
 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.
- SP 3. If a cocktail lounge or late hours restaurant is expanded or converted from another use, the entire building must comply with current parking regulations. [LDC 25-6-471(C)]
- SP 4. Parking areas serving a cocktail lounge or late hours restaurant must be separated from single family areas by a minimum of 200 feet, unless it is located within an enclosed shopping center.
- SP 5. If the zoning is approved to allow for a cocktail lounge, a conditional use permit will be required.

**TRANSPORTATION:**

- TR1. No additional right-of-way is needed at this time.
- TR2. 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]

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TR3. A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114. Please provide current traffic counts to the transportation reviewer for Duval Street.

TR4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
45 <sup>th</sup> Street	Varies (66' to 84')	Varies (37' to 70')	Minor Arterial 4-Lanes (MNR 4)	14, 963 ('07)
Duval Street	64'	40'	Collector	NA

TR5. There are existing sidewalks along Duval Street and 45<sup>th</sup> Street.

TR6. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Duval Street serves route no. 49 with an existing Bike Lane. 45<sup>th</sup> Street serves route no. 32 with an existing Shared Lane and recommended Bike Lane.

TR7. Eric Dusza in Neighborhood Connectivity may have additional comments regarding multi-modal mobility enhancements and facilities.

TR8. Capital Metro bus service (route nos. 10, 338, and CR/RR) is available along 45<sup>th</sup> Street. Route no. 7 serves Duval Street.

### **ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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 a floodplain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed

development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. 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.

### **COMPERHENSIVE PLAN:**

This zoning case is located on the southwest corner of Duval Street and 45<sup>th</sup> Street. The property is .27 acres in size and contains a gas station. This property is also located within the boundaries of the Central Austin Combined Neighborhood Plan area, in the Hancock Park Planning area. Surrounding land uses includes apartments to the north and south, a single family house to the west, and an office building and cafe to the east. The proposed use is liquor sales.

#### **Central Austin Combined Neighborhood Plan (CECNP)**

The CECNP Future Land Use Map identifies this property as Mixed Use. Mixed Use is meant to encourage more retail and commercial services within walking distance of residents. Zone CS-1 is permitted in this zone. Below are goals, objectives and recommendations relating to commercial and mixed use development in this portion of the CACNP.

- **Goal 3:** Allow mixed-used development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled and serves neighborhood needs (p. 74)
- **Objective 3.8:** Commercial uses located at nodes along Duval Street should continue to serve neighborhood needs and contribute to a more pedestrian oriented environment. Residential uses should be allowed at these locations in addition to commercial uses, but commercial uses should be retained whenever possible, particularly at the intersection of 43<sup>rd</sup> and Duval Streets. Commercial uses should not spread farther into the neighborhood (p. 82)
- **Recommendation 20:** Allow the mixed use combining district on the commercially zoned properties along Duval Street in the Hancock Neighborhood Planning Area except at the intersection of 43<sup>rd</sup> and Duval Streets. (p. 82)

The CACNP appears to support this rezoning.

#### **Imagine Austin**

The property is not located along an Activity Corridor or within an Activity Center as per the Imagine Austin Growth Concept Map. As this case is small in scope, it is not at a level of review that can be considered by Imagine Austin which is broad in scope. Thus, when looking through the lens of Imagine Austin, this case is neutral.

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**CITY COUNCIL DATE:** January 23rd, 2014

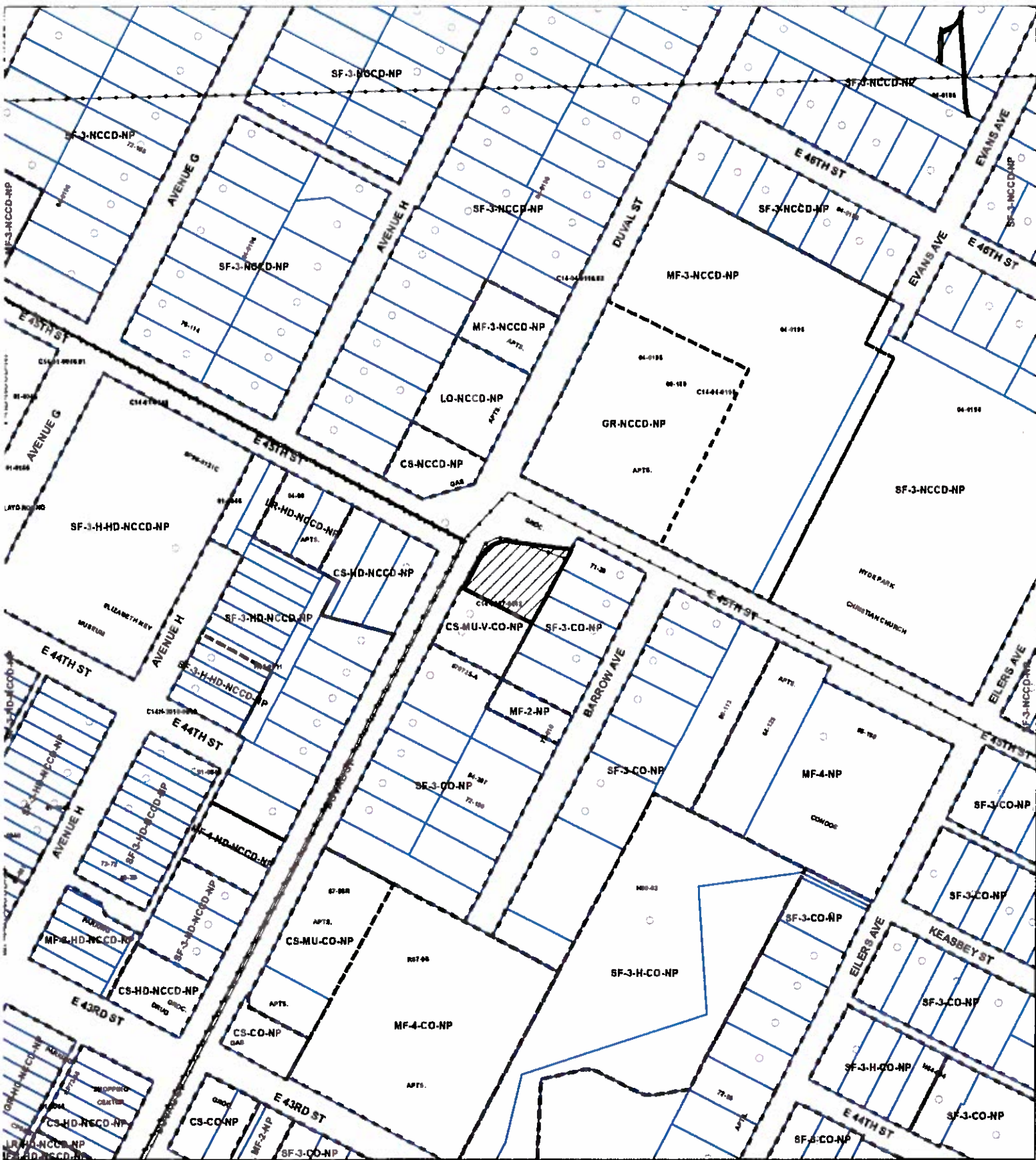
**ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691



## ZONING

ZONING CASE#: C14-2013-0119



SUBJECT TRACT



PENDING CASE



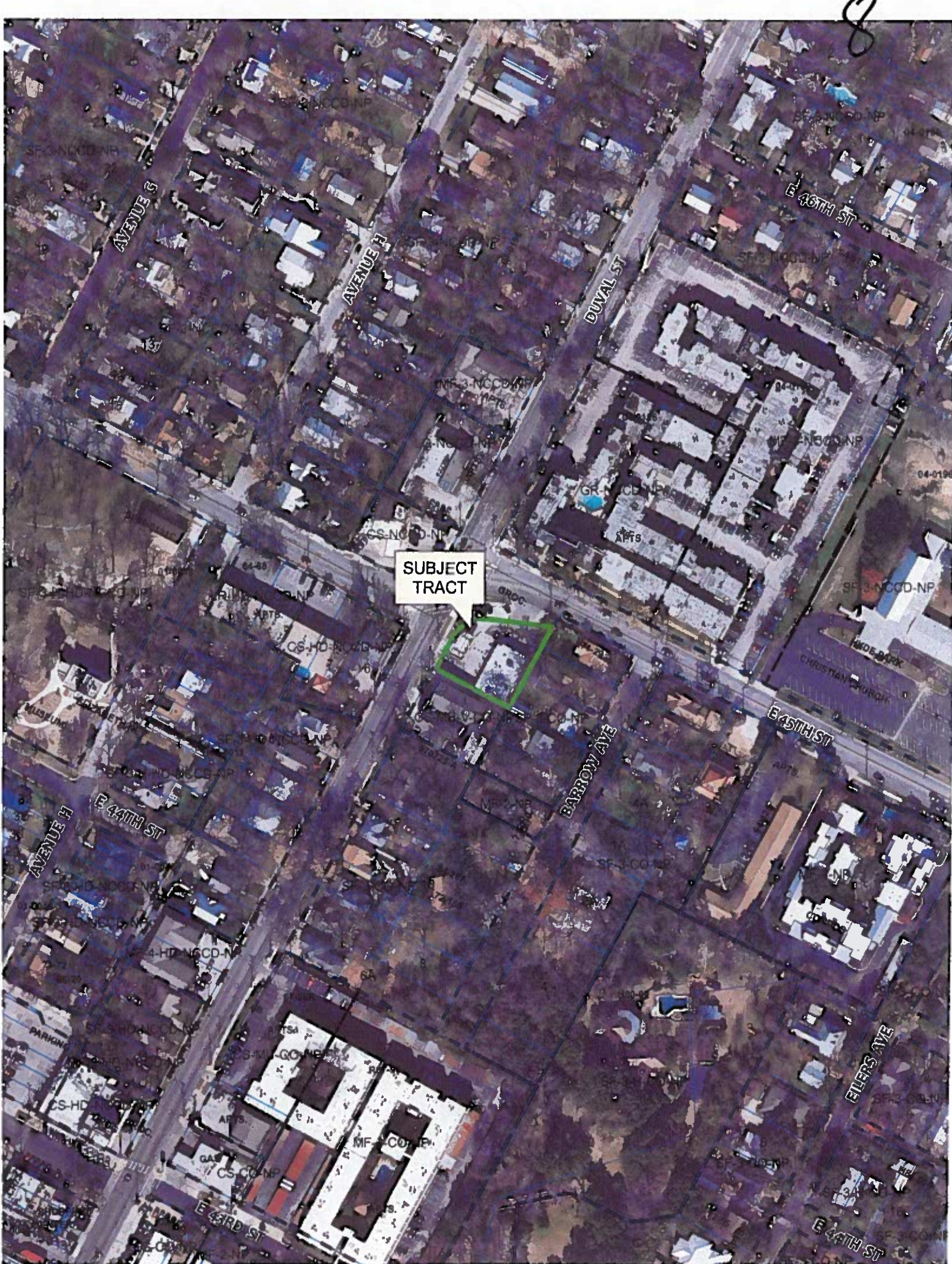
ZONING BOUNDARY

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" = 200'







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feet 10  
meters 3



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**Hancock Neighborhood Association**

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October 15, 2013

Tony Hoomanrad  
Hyde Park Market  
4429 Duval Street  
Austin, Texas 78751

Dear Tony:

At the September 18, 2013, meeting of the Hancock Neighborhood Association, members voted in favor of your zoning change request from CS-MU-V-CO-NP to CS-1-MU-V-CO-NP for the property at 4429 Duval known as Hyde Park Market. The zoning change allows for a BG alcoholic beverage permit and a seating area for both off and on premise consumption. The zoning change was approved with the following conditions:

1. Seating area limited to no more than 390 sq. ft.
2. Seating area hours of operation restricted to 4:00pm to midnight.
3. No long-term parking on site—all parking restricted to 15 minute parking.
4. Restrictions on lighting—Shield, full cut-off, "Dark Skies" lighting in seating area
5. Restriction of outdoor music.
6. On premise consumption permit does not transfer with sale of the property.

Thank you for presenting your request for rezoning at the HNA meeting. If you have any questions or would like to communicate with HNA, please feel free to contact me.

Sincerely,



Carolyn Palaima  
Hancock Neighborhood Association President  
carolyn.palaima@yahoo.com