

ZONING CHANGE REVIEW SHEET**CASE:** C14-2013-0127 / 3109 South Lamar **P.C. DATE:** 11/12/2013**ADDRESS:** 3109 S Lamar Blvd **AREA:** 0.025 Acres (1,107sq. 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:

November 12, 2013 To grant staff recommendation of CS-1-V (Consent Motion: J. Nortey; Second: B. Roak) 7-0-2 (Absent: D. Chimenti and A. Hernandez)

DEPARTMENT COMMENTS:

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 1000 feet south of the Barton Skyway/Lightsey Road and Lamar Boulevard intersection (see Exhibits A). The subject tract abuts South Lamar Boulevard, and is surrounded by existing CS and CS-V zoning (see Exhibits A) that, with the exception of the Broken Spoke, 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 of 1,107 square feet. The request is driven by the stated desire to expand the seating area for a franchise that requested, and was granted, CS-1-V zoning (for 3,522 square feet) abutting the subject tract earlier this year (C14-2012-0165). This request simply expands the footprint of that CS-1-V zoning district.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-V	Mixed Use Project Under Construction
West of Lamar (north to south)	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
East of Lamar (north to south)	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**TIA:** (Approved with Site Plan SP-2012-0021C)**CAPITOL VIEW CORRIDOR:** No**WATERSHED:** West Bouldin Creek**DESIRED DEVELOPMENT ZONE:** Yes**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
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Bike Austin	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

Joslin Elementary School

Covington Middle School

Crockett High School

ABUTTING STREETS & TRANSIT:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Service
South Lamar Blvd	100'	60'	Divided Arterial	Yes	Yes (No. 43)	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 relatively little rezoning on this stretch of Lamar 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.

This particular zoning case is related to a CS-1 case approved earlier in 2013. Specifically, this proposal is for an expansion of the facility being developed under the zoning approved in C14-2012-0165.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
West of Lamar (north to south)			
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	Recommended; 07/09/96	Approved; 08/22/96
3422 S Lamar C14-83-079	I-SF-2 to GR and RR	Recommended; 01/07/1986	Approved; 12/18/1986
3500 S Lamar C14-85-209	SF-2 to GR	Recommended; 09/03/1985	Approved; 06/19/1986
3508 S Lamar C14-84-299 C14-07-0019	I-SF-3 to GR GR to GR-MU-CO	Recommended; 10/16/1984 Recommended; 04/24/2007	Approved; 02/14/1985 Withdrawn; 06/21/2007
3512-3610 S Lamar C14-04-0102	SF-2 to GR-MU-CO	Recommended; 08/17/2004	Approved 11/18/2004
East of Lamar (north to south)			
2817-3321 S Lamar C14-68-278	I-A, 1 st H&A to C, 1 st H&A and C-2, 1 st H&A		Approved; 01/23/1969
2929 Block S Lamar	CS to CS-1	Recommended; 04/86/1986	Approved; 07/03/1986
2910 Block Manchaca C14-81-244	I-A, 1 st H&A to GR, 1 st H&A		Approved; 08/05/1982
3000 Block Manchaca C14-82-032	I-A, 1 st H&A to GR, 1 st H&A		Approved; 08/05/1982
3100 Manchaca C14-98-0246	SF-3 to LO-CO	Recommended; 1/26/1999	Approved; 03/25/1999
3108-3210 Manchaca C14-81-143	I-A, 1 st H&A to BB, 1 st H&A		Approved; 11/04/1981

3505 S Lamar C14P-80-050 and C8s-80-171	Woodmore Apartments	Recommended; 9/02/1980 Recommended; 9/23/1980	
3617-3717 S Lamar C14-68-267	I-A, 1 st H&A to LR, 1 st 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	Recommended; 10/25/1994	Approved; 12/01/1994
3109 S Lamar C14-2012-0165	CS-V to CS-1- V	Recommended; 02/12/2013	Approved; 03/07/2013

CITY COUNCIL DATE: Scheduled for consideration December 12, 2013

ORDINANCE READINGS: 1st 2nd 3rd
ORDINANCE NUMBER:

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

PHONE: 974-7604

STAFF RECOMMENDATION**C14-2013-0127****BACKGROUND**

The subject tract is a footprint, comprising 1,107 square feet of a larger vertical mixed use project with approximately 20,000 square feet of restaurant and commercial uses, and 374 residential units that wraps around the Broken Spoke. The tract is located immediately north of a cocktail lounge under construction, and would allow an expansion of that developing venue.

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) or commercial-liquor sales (CS-1). 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. Moreover, rezoning of this footprint simply expands the footprint of CS-1-V zoning granted earlier this year. This subject footprint tract, like the rest of the mixed-use project in which it will be housed, 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 with the original request for the CS-1-V zoning that the comprehensive plan would support a bar at this location.

Given the zoning principles noted above, and how this expanded footprint would meet them, staff recommends granting CS-1-V to the subject tract.

EXISTING CONDITIONS & REVIEW COMMENTS

NPZ Comprehensive Planning Review

October 7, 2013 (KF)

This zoning case is located on the southeast side of S. Lamar Boulevard and contains a newly built mixed use project. This case concerns rezoning .025 acres of this project for a bar. 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 mixed use to the northeast, a condo complex to the northwest, the Broken Spoke restaurant to the south along S. Lamar Boulevard, and condo complex to the southeast.

In the last several years, S. 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 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.

The following Imagine Austin policies are applicable:

- **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 along South Lamar Blvd.; (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

October 10, 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. 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.

NPZ Site Plan Review

October 14, 2013 (CB-H)

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.
2. The site is subject to compatibility standards. Additional design regulations will be enforced at the time a site plan is submitted.
3. The site is within the South Lamar Combined Neighborhood Planning Area. Plans will be checked for compliance with design standards within the Plan when submitted.

NPZ Transportation Review

October 25, 2013 (IN)

ZONING COMMENTS

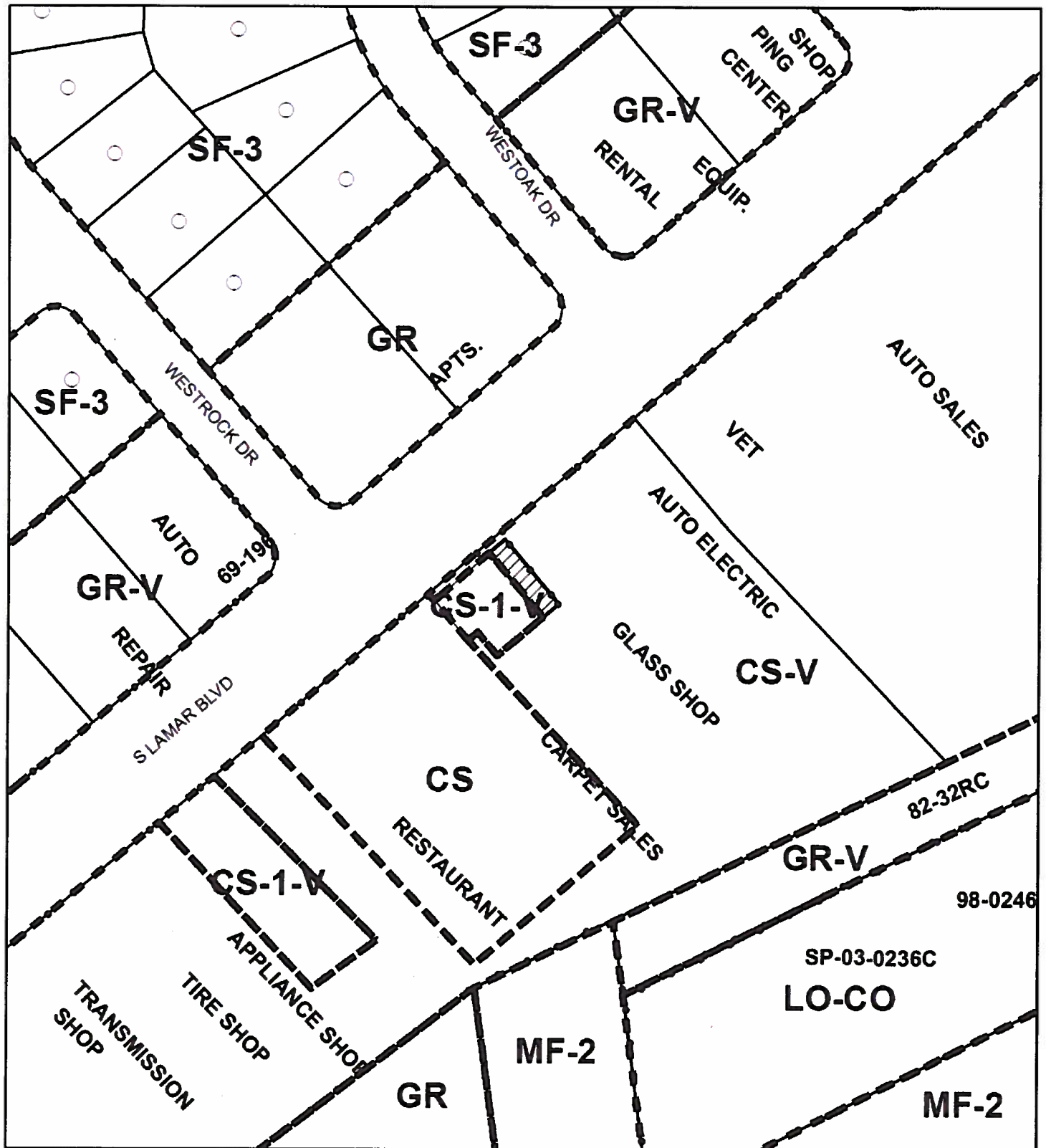
1. No additional right-of-way is needed at this time.
2. A traffic impact analysis (TIA) is not required for this case because a TIA was previously conducted for this development under SP-2012-0021C. In addition, the estimated traffic that will be generated by the proposed zoning is very small to be considered significant. [LDC, 25-6-113]
3. South Lamar Blvd. is classified in the Bicycle Plan as Bike Route No. 43.
4. Capital Metro bus service (Routes No. 331 and 338) is available along S. Lamar Blvd.
5. There are existing sidewalks along S. Lamar Blvd.
6. Neighborhood Connectivity Division does not have any additional comments regarding multi-modal mobility enhancements and facilities at this time.
7. Existing Street Characteristics:




Name	ROW	Pavement	Classification	ADT
S. Lamar Blvd.	100'	MAD-4	Arterial	31,037

NPZ Austin Water Utility Review

October 2, 2013 (NK)

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

ZONING CASE
C14-2013-0127

1" = 100'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Exhibit A

C14-2013-0127 / 3109 South Lamar



Imagery: 2012-01

Exhibit A-1
Aerial & Zoning

0 50 100 200
Feet

1 inch = 100 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

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: C14-2013-0127

Contact: Lee Heckman, 512-974-7604

Public Hearing: November 12, 2013, Planning Commission
December 12, 2013, City Council

Douglas H. Speer
Your Name (please print)

3505 S. Lamar #2033
Your address(es) affected by this application

Wayne H. Speer
Signature

11/7/13
Date

Daytime Telephone: 787 04
Zip Code

Comments:

I am all in favor of
rezoning for new restaurants
and pubs with liquor licenses.
on South Lamar. We need more.

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