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ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0103 / Radio Coffee & Beer

P.C. DATE: August 26, 2014

ADDRESS: 4204 Manchaca Road and 2008 Fort View Road

AREA: 0.159 acres (6,924 square feet)

NEIGHBORHOOD PLAN AREA: South Lamar
(South Lamar Combined Neighborhood Plan Area)

OWNER: Telvending Corp (Greg Wilson)

APPLICANT: Land Strategies Inc. (Paul Linehan)

ZONING FROM: LR-MU-CO; Neighborhood Commercial-Mixed Use-Conditional Overlay

ZONING TO: CS-1; Commercial-Liquor Sales

SUMMARY STAFF RECOMMENDATION:
To grant GR-MU, Community Commercial-Mixed Use

PLANNING COMMISSION RECOMMENDATION:
To be considered August 26, 2014

DEPARTMENT COMMENTS:

The subject tract is a footprint of just under 7,000 square feet on an approximate 0.9436 (41,104 square feet) tract currently zoned LR-MU-CO at the northwest corner of Manchaca Road and Fort View Road (see Exhibits A). As proposed, the footprint tract covers existing structures, walkways, and patio areas. As such, the footprint covers the existing Radio Coffee & Beer establishment. Also on the parent tract but not included in the subject tract are parking areas and the property owner's residence.

Land uses in the area include a tire shop and casual restaurant to the south, between Fort View and Ben White Boulevard, high-turnover restaurants to the southeast, and a convenience store and offices across Manchaca to the east. Offices are to the north of the property. Fort View, extending to the west, is a residential street that terminates at the Victory Medical Campus.

The request for CS-1, Commercial-Liquor Sales, is driven by the stated desire for the owner to have the option or flexibility to pursue a conditional use permit (CUP) for a Cocktail Lounge use. The City's Land Development Code distinguishes between restaurants and bars based on revenue generated by alcohol and prepared food sales; if revenue from prepared foods is at least 51% of gross sales, the business is a restaurant. Owing to the success of the existing business, the owner wants the flexibility to pursue a CUP to operate a bar, and so as to not occasionally run afoul of this 51% rule on sales income. While pursuit of a CUP for a bar is not part of the current request and is its own separate public process, the CS-1 zoning requested at this time is a prerequisite for such a future request.

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ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle	Bus Service	Sidewalks
Manchaca Road	83 feet	43 feet	Major Arterial	Yes	Yes	Yes
Fort View Road	50 feet	30 feet'	Collector	No	No	No

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LR-MU-CO	Restaurant; Single-family residence
North	LO-MU; SF-3; LO	Office; Single-family residence; Office
East	CS; LO; SF-3; LO	Restaurants; Convenience Store; Office; Single-Family Residential; Office Townhomes
South	CS-1; CS	Automotive Repair; Restaurant
West	SF-3	Single-family and duplex residential

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME	COMMUNITY REGISTRY ID
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
South Lamar Neighborhood Association	926
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Bike Austin	1075
Perry Grid 614	1107
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
Wildflower Church	1423
Preservation Austin	1424
GO!Austin/Vamos!Austin (GAVA)	1429
Friends of the Emma Barrientos MACC	1447

ZONING CASE HISTORIES FOR THIS TRACT:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
4204 Manchaca C14-72-099	"A" Residence to "LR" Local		Approved 06/08/1972

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4204 & 4208 Manchaca C14-06-0115	Retail LR & SF-3 to (LR-MU-CO)	Recommended LR- MU-CO; 06/27/2006	Approved LR-MU-CO; 09/28/2006 (CO limits to 2000 vtd)
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ZONING CASE HISTORIES IN THE AREA:

This portion of Manchaca Road is a mixture of retail, commercial, and residential. Yet, with the exception of two rezonings from family residential tracts to limited office and office-mixed use in 2012 and 2013 (the latter immediately north of the subject tract), the majority of the area has not seen rezoning since the Seventies and Eighties. While the existing commercial along Ben White Boulevard and Manchaca has been there for decades, a quick review of the case histories below shows that most rezonings in the past thirty-plus years are from residential to office.

Another recent rezoning was just that: residential to office. Located at 2111 Fort View, the end of the street to the west, a parcel was rezoned (in C14-2012-0145) from SF-3 to limited office (LO) with conditions that required access through the adjoining parcel to Ben White Boulevard.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
West of Manchaca Road (north to south)			
3906 Manchaca Road C14-2013-0067	SF-3 to LO	Recommended LO- MU 08/13/2013	Approved LO-NU 08/22/2013
4020,4022,4100 Manchaca C14-84-160	SF-3 to LO	Recommended	Approved 05/23/1985 w/ Street Deed
4016 Manchaca C14-98-0059	SF-3 to LO	Recommended LO- CO; 06/09/1998	Approved LO-CO; 08/27/1998
4000 Manchaca C14-86-012	SF-3 to NO	Recommended LO-CO w/Conditions; 03/04/1986	Approved LO-CO w/RC; 07/17/1986
2007 Bert C14-03-0070	SF-3 to LO	Recommended LO- CO; 05/20/2003	Approved LO-CO; 07/17/2003
2004-2006 Bert C14-2007-0192	SF-3 to LO	Recommended; 10/13/2007	Approved LO-CO; 01/10/2008
4200 Manchaca C14-2012-0117	SF-3 to LO-MU	Recommended 11/13/2012	Approved 12/06/2012
Site (4204 Manchaca)			
4300 Manchaca & 2001-2005 Fort View C14-74-122	"C" 6 th H&A to C-1 6 th H&A		Approved 10/31/1974
4302-4304 Manchaca & 2004-2012 Ivy Trail C14-72-222	"C" 6 th H&A to "C-2" 6 th H&A	Recommended, Limited use of C-2 to package store only	Approved as PC Recommended; 11/16/1972
Fort View and Ben White			
2009-2011 Fort View C14-98-0078	SF-3 to CS	Recommended LR- CO; 07/21/1998	Approved NO w/Conditions 1 st

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			Reading; Indefinite Postponement on 2 nd /3 rd ; Expired
2111 Fort View C14-2012-0145	SF3-to LO	Recommended NO-MU-CO	Approved NO-MU-CO 04/11/2013
2028 W Ben White C14-2007-0051	SF-3 to LO-MU	Recommended; 06/12/2007	Approved; 07/26/2007
2012 W Ben White C14-2008-0096	SF-3 to LO-MU	Recommended; 06/10/2008	Approved; 07/24/2008
2104 W Ben White C14-2012-0049	SF-3 to LR	Recommended LR; 07/24/2012	Approved LR; 12/13/2012
2110 W Ben White C14-2008-0185	SF-3 to LO	Recommended LO-CO; 06/10/2008	Approved LO-CO; 11/20/2008
East of Manchaca (north to south)			
4007-4011 Manchaca C14-71-252	"A" 1 st H&A to "O" 1 st H&A		Approved 06/01/1972
4017-4021 Manchaca & 4016-4020 Valley View C14-72-234	"A" 1 st H&A to "O" 1 st H&A	Recommended w/conditions	Approved w/conditions 05/31/1973
4015 Manchaca C14-75-049	"A" Residence to "O" Office		Approved; 06/26/1976
4023 Manchaca C14-85-009	SF-3 to LO		Approved; 10/02/1985
4025 Manchaca C14-80-221	Interim "A" 1 st H&A to "O-1" 1 st H&A		Approved; 02/26/1981
4103 Manchaca C14-84-356	SF-4 to "O-1"	Recommended "O-1" 1 st H&A; 12/04/1984	Approved LO w/RC & Street Deed; 09/19/1985
1900-1904 Fort View C14-70-017	"LR" 1 st H&A to "C" 1 st H&A		Approved; 04/16/1970

CITY COUNCIL DATE:

Scheduled to be considered September 25, 2014.

CITY COUNCIL ACTION:**ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman
e-mail address: lee.heckman@austintexas.gov**PHONE:** 512-974-7604

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To grant GR-MU, Community Commercial-Mixed Use

BACKGROUND & PURPOSE STATEMENTS

The subject tract is a 6,924 square feet footprint on a 41,104 square feet tract currently zoned LR-MU-CO. The site is currently developed as a restaurant and known as Radio Coffee and Beer.

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Mixed Use (MU) combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. Allows development of all types of residential uses, including single-family residential, multifamily residential, and townhomes. The Conditional Overlay (CO) adopted with the zoning change in 2006 limits development to generating less than 2000 vehicle trips per day.

The requested Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

Community commercial (GR) district, recommended by staff, is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

BASIS FOR RECOMMENDATION

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

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

CS-1, as a zoning district, is the most intense commercial zoning district available under City code. Typically it is requested as a precursor to requesting a conditional use permit (CUP) for a cocktail lounge use; that is also the case here. Even if a conditional use permit is not pursued for use of the site as a Cocktail Lounge rather than as a restaurant, CS-1 allows a range of commercial uses that staff thinks is inappropriate at this location at this time.

This site is uniquely located at the intersection of a major arterial and residential collector. Located one block north of Ben White Boulevard, it has existing CS-1 and CS to the south and CS to the east. Variations of office stretch along Manchaca northward. However, the site is also located at the entrance to Fort View, which terminates about 1000 feet to the west. The impact of a bar at the end of the street may raises questions about compatibility with adjacent and nearby uses. The owner of the establishment currently lives next door; but for the other 18 households

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on Fort View, or those to the north along Gathright Cove, staff is concerned a bar may have detrimental impacts.

Neighborhood taverns can be appealing and certainly have their place. But, until more patrons are walking or biking to this establishment, parking and traffic will be challenges. As a restaurant, the site meets its parking requirements. If the CS-1 request is to be followed by transition into a bar, parking requirements for a cocktail lounge may change, including that such parking area must be 200' from SF-3 properties. It is unknown how that will be achieved given the current land uses to the west.

Moreover, given the existing CS and CS-1 to the south, staff is wary that granting CS-1 can set an undesirable precedent for properties further north along Manchaca. While each rezoning case is considered on its own merits, part of the evaluation of what a property could be zoned is based on surrounding zoning.

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The CS east of Manchaca is a convenience store and three high-turnover restaurants. There's appropriate parking, but patrons don't stay for a significant length of time. Similarly, of the two CS-1 tracts to the south, one is a tire shop and the other is a restaurant; the CS piece is an auto parts retail store. Taken together, with the exception of Dan's Hamburgers, this area is one that primarily caters to people on the move.

A restaurant that caters to a dine-in crowd – that serves both the neighborhood and passersby - is not inappropriate in this mix. And if not a restaurant, than another GR use (developed with the surrounding LR district). Put simply, commercial use can provide an appropriate transition between the more intense commercial uses to the south and east and the residential to the north and west. Yet, while staff can support general commercial at this intersection, staff thinks the uses allowed under CS-1 are simply too intense to provide an appropriate transition between these commercial areas and the adjacent residential.

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.

Manchaca Road is a major arterial; Fort View is a neighborhood collector, and one that dead ends 1,000 feet away. While community retail uses might be a stretch for this intersection, there is an existing 2,000 vehicle trips per day cap on the parent tract, which would remain LR. Given the size of the existing establishment, about 2,300 square feet, and the size of the proposed footprint, 6,924 square feet, staff estimates that the GR/footprint uses could generate about 337 allowable trips per day (the 2,000 vtd limit on the parent tract is applied on a pro-rata share for the footprint tract). A Neighborhood Traffic Analysis has been deferred to site planning stage.

The point is that this is not an intersection of arterials and collectors typically associated with GR zoning, much less CS or CS-1 zoning. Yet CS and CS-1 exist on the other three corners. Another zoning principle is that ***granting a request for zoning should result in an equal treatment of similarly situated properties.***

An argument can be made that since the other properties on this intersection were granted CS or CS-1 zoning, this one should be treated similarly. However, staff thinks they are not necessarily similarly situated. CS and CS-1 properties to the south have access and frontage to Ben White

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Boulevard, in addition to Fort View. Fort View to the east of Manchaca is not a dead end street, but intersects with a number of streets before terminating at Ben White. In other words, Fort View to the east is a true collector; to the west it is a cul-du-sac. Given these differences, staff can support GR at this corner, but not the more intense CS-1 as requested.

Zoning should allow for a reasonable use of the property.

The applicant has indicated the CS-1 request is driven by the desire for flexibility in requesting a CUP for a cocktail lounge use, at some future point. The immediate use of the property is to be a restaurant serving beer and coffee. Staff supports a GR zoning district to allow for a fuller, more robust general restaurant use.

Under the existing LR zoning district requirements, a limited restaurant (which does not serve alcohol) is permitted by right, a general restaurant (which includes the sale and on-premises consumption of alcohol as an accessory use) is permitted, but subject to size limitations, reduced hours of operations, outdoor seating and entertainment constraints, and other conditions. A GR district allows a general restaurant more flexibility, in terms of space and scope of operation. However, it is not as flexible as CS-1, in that a late hours permit would be required should the restaurant wish to stay open after normal hours.

Consequently, although staff does not support the CS-1 request at this time, staff does support GR which we think is more conducive to general restaurant use than the existing LR base district zoning. General restaurant use of this site, or another uses permitted under GR, are a reasonable use of the property.

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

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 (IACP), identifies this area as an Activity Center for Redevelopment in Sensitive Environmental Areas (extending eastward from Lamar at Ben White); this specific property is not over the Edwards Aquifer. Manchaca is also designated with High Capacity Transit. A neighborhood gathering spot, whether a bar or restaurant or something completely different, is probably aligned with the compact and connected neighborhood goals of the IACP. At the same time, protecting neighborhood character is also cited, and one cannot overlook the fact this property is located at the entrance of a mostly residential street. Indeed, it is protection of the neighborhood character on Fort View Road and to the north that requires staff to recommend GR rather than the requested CS-1.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

The site, located at the northwest corner of Manchaca Road and Fort View Road, is developed with a restaurant use and associated parking. The proprietor of the Radio Coffee and Beer establishment resides in a single-family residence also on site. There are no known environmental characteristics that would unduly constrain further development or redevelopment of the site. Though the site is identified as an Activity Center for Redevelopment in Sensitive Environmental Areas per the Imagine Austin Growth Concept Map, the site is not over the Edwards Aquifer Recharge Zone.

PDRD Comprehensive Planning Review (KF) (2014-06-19)

LR-MU-CO to CS-1

This zoning case is located on the west side of Manchaca Road, on the corner of Fort View Road, and consists of a house converted to a newly opened coffeehouse/craft beer hybrid cafe, with extensive outdoor seating, live music, and a food trailer. This enterprise will also feature live music and a food trailer. This property is located within the boundaries of the South Lamar Neighborhood Planning area, which does not have an adopted neighborhood plan. Surrounding land uses includes an office in a converted house to the north, a tire store to the south, a gas station and a private children's school to the east, and a single family house to the west.

Imagine Austin

The property is located within the boundaries of an '**Activity Centers for Redevelopment in Sensitive Environmental Areas**' as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. These centers are located on already developed areas and, in some instances, **provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods**. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

The following Imagine Austin policies are relevant to this case:

Environmental Policies

- **CE P2.** Conserve Austin's natural resources systems by limiting development in sensitive environmental areas, including the Edwards Aquifer, its contributing and recharge zones, and endangered species habitat.
- **LUT P21.** Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.

Complete Community Policies

- **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.

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- **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.
- **N P1.** Create complete neighborhoods across Austin that have a **mix of** housing types and **land uses**, affordable housing and transportation options, and access to schools, **retail**, employment, community services, and parks and recreation options.

Based on this property being: (1) adjacent to other commercial uses along the Manchaca Road, a busy corridor; and (2) the Imagine Austin policies referenced above, which encourages infill development along corridors, including retail and neighborhood serving uses, staff believes that this coffee house/bar is supported by the Imagine Austin Comprehensive Plan as long as environmental ordinances are considered and enforced.

PDRD Environmental Review (MM) (2014-07-01)

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. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
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. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDRD Site Plan Review (RA) (2014-07-01)

1. Site plans will be required for any new development other than single-family or duplex residential. Please note that a Conditional Use Permit will be required for a cocktail lounge use.

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2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
4. The site is subject to compatibility standards. Along the northwest 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.
 - A landscape area at least 25 feet wide is required along 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.
5. FYI : A parking area for a cocktail lounge must be separated from SF-6 or more restricted zoning district by not less than 200 feet [LDC 25-5-146(B)].

PDRD Transportation Review (BG) (2014-08-12)

1. A Neighborhood Traffic Analysis will be deferred to time of site plan because this is a spot zoning change for the building footprint and because there is a previous conditional use overlay of 2000 vtd for the site. LDC, Sec. 25-6-114.
2. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or recommended along the adjoining streets as follows: Manchaca Road.
3. 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]
4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Manchaca Road	83'	43'	Major Arterial	Yes	Yes	Yes

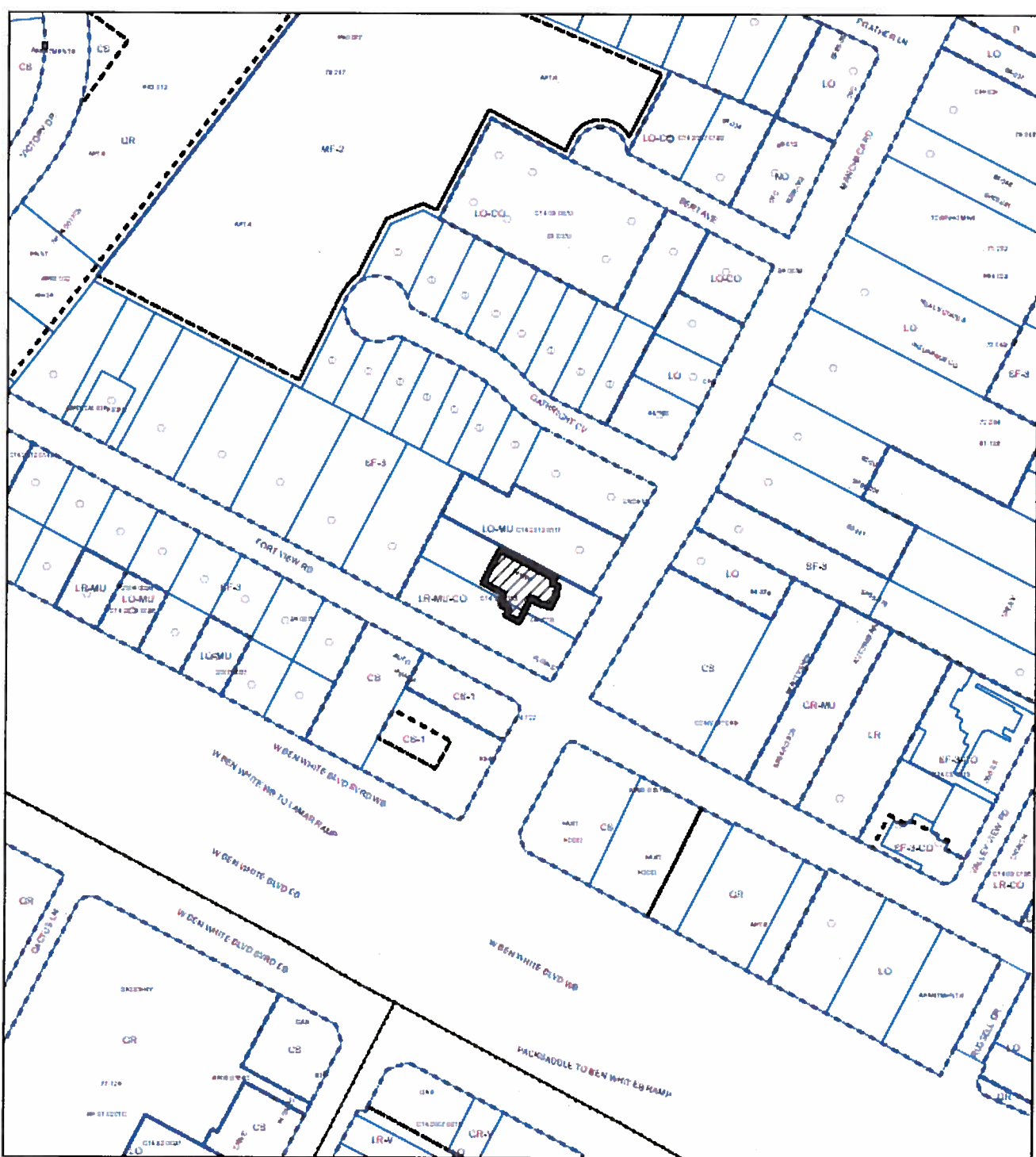
PDRD Austin Water Utility Review (NK) (2014-06-20)

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, water or wastewater easements, 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

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compliance with City criteria and suitability for operation and maintenance. 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.

C14112



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2014-0103

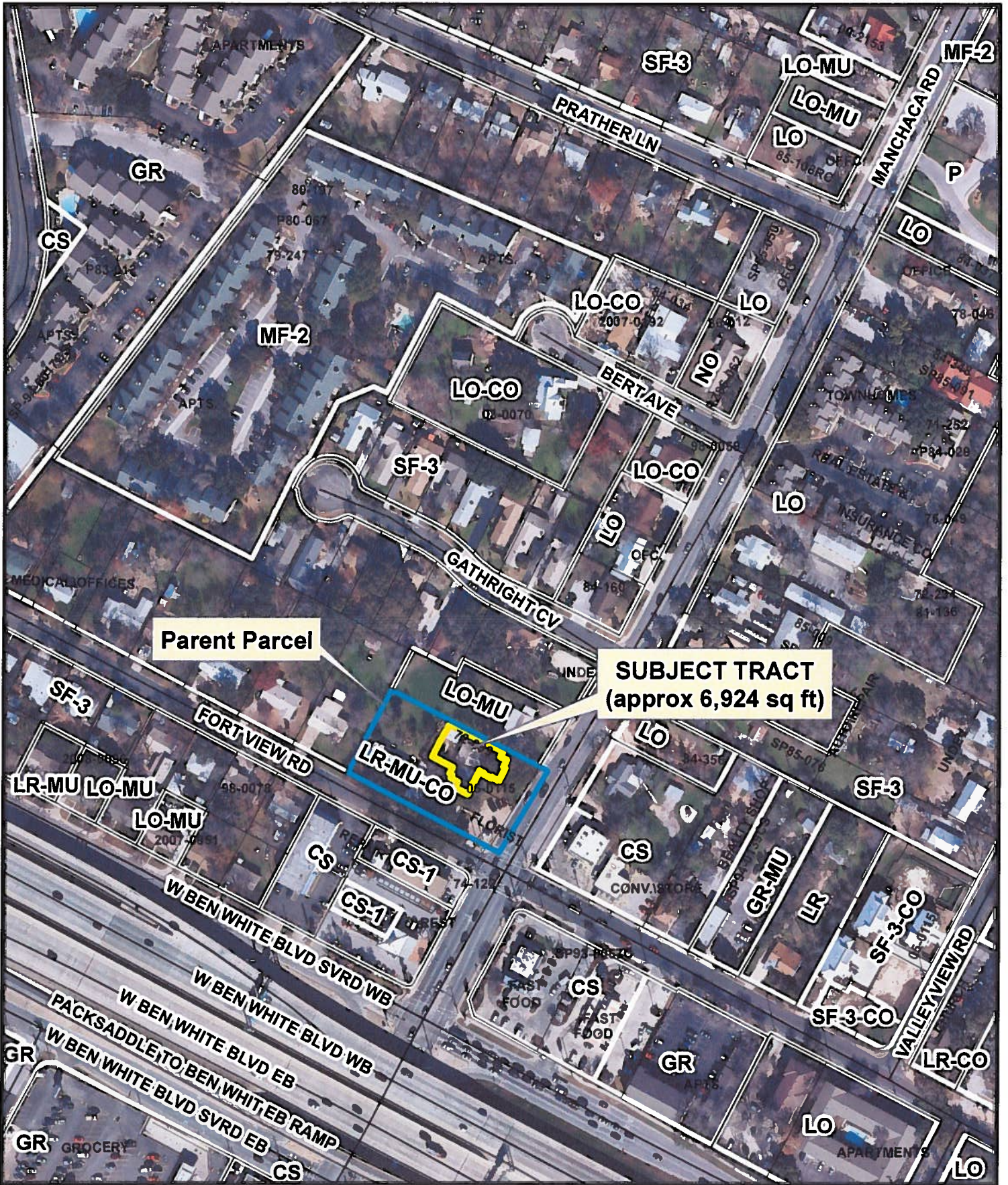
1" = 200'

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 - Zoning Map

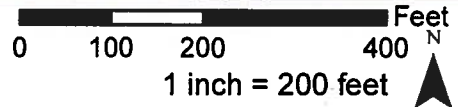


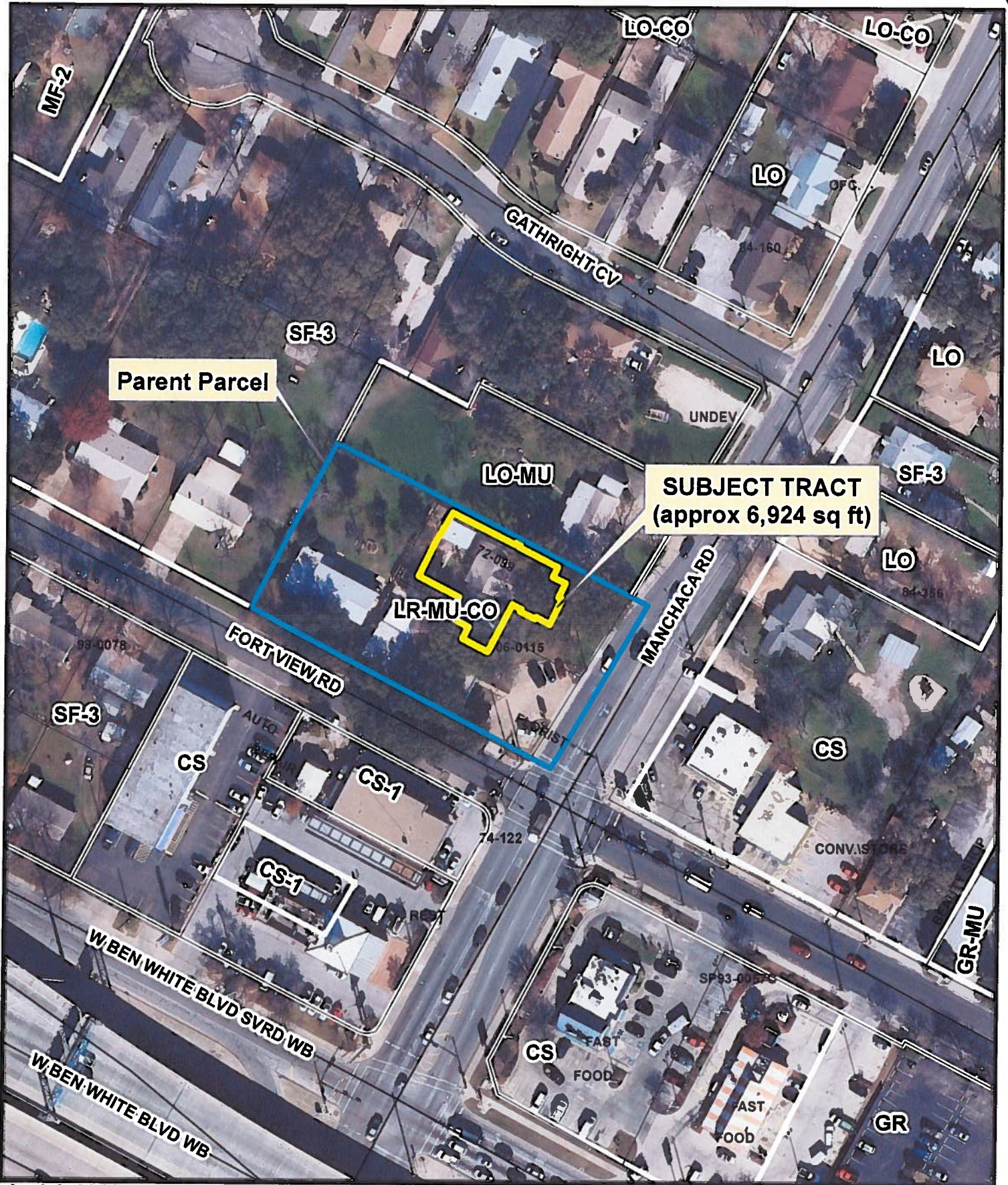
Parent Parcel

SUBJECT TRACT
(approx 6,924 sq ft)

Aerial: 2012-01

Exhibit A-1
Aerial & Zoning





Aerial: 2012-01

Exhibit A-2
Aerial & Zoning

