

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0085 – Concorde Center Rezoning

**P.C. DATE:** August 26, 2014

**ADDRESS:** 4631 Airport Boulevard

**OWNER:** Houston 6000 Bissonnet Ltd. c/o  
Tarantino Properties, Inc. (Aaron Scott)

**AGENT:** Thrower Design  
(Ron Thrower)

**ZONING FROM:** Tract 1 – CS-V-CO-NP  
Tract 2 – CS-1-V-CO-NP

**TO:** CS-1-V-CO-NP  
CS-V-CO-NP

**AREA:** Tract 1 – 1,750 square feet  
(0.0402 acres)

Tract 2 – 2,102 square feet  
(0.0483 acres)

**TOTAL AREA:** 3,852 square feet (0.0885 acres)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial-liquor sales – vertical mixed use building – conditional overlay – neighborhood plan (CS-1-V-CO-NP) combining district zoning for Tract 1, and general commercial services – vertical mixed use building – conditional overlay – neighborhood plan (CS-V-CO-NP) combining district for Tract 2. The CO is for the list of prohibited uses and conditional uses as approved through the North Loop Neighborhood Plan Rezoning.

### **PLANNING COMMISSION RECOMMENDATION:**

August 26, 2014: *APPROVED CS-1-V-CO-NP DISTRICT ZONING FOR TRACT 1 AND CS-V-CO-NP DISTRICT ZONING FOR TRACT 2, AS STAFF RECOMMENDED, BY CONSENT*

*[R. HATFIELD; J. STEVENS – 2<sup>ND</sup>] (8-0) D. CHIMENTI – ABSENT*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The request is to change the zoning for two vacant lease spaces in a single-story commercial center situated on Airport Boulevard, an arterial roadway north of its intersection with East 46<sup>th</sup> Street. Tract 1 is zoned general commercial services – vertical mixed use building – conditional overlay – neighborhood plan (CS-V-CO-NP) combining district zoning, and Tract 2 is zoned commercial-liquor sales – vertical mixed use building – conditional overlay – neighborhood plan (CS-1-V-CO-NP) combining district zoning. The Conditional Overlay on both tracts is for a list of prohibited and conditional uses and was applied through the

North Loop Neighborhood Plan Rezoning that were approved by Council in May 2002. There are commercial uses to the north and south on Airport Boulevard and single family residences and apartments across Harmon Avenue to the east (SF-3-NP; LO-MU-CO-NP; CS-MU-CO-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant proposes to occupy Tract 1, a 1,750 square foot lease space with a liquor sales use which requires CS-1 base district zoning, and is willing to change the zoning on Tract 2, a 2,102 square foot lease space that is designated for a restaurant (limited use) to the CS base district. The Conditional Overlay and vertical mixed use building (V) designation will remain intact.

Staff recommends the Applicant's request given its location within a shopping center which contains a mix of commercial uses and takes its access to an arterial roadway. The change to allow for CS-1 in one lease space is balanced by the removal of existing CS-1 in another where it is no longer needed, and this addresses the Staff concern regarding overzoning the shopping center with CS-1 space.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-1-V-CO-NP; CS-V-CO-NP	Commercial center with Billiard hall, Business/trade school; Personal services, Medical office, Administrative office, Retail; Restaurant (limited); Personal improvement services
<i>North</i>	CS-V-CO-NP	Automotive repair; Service station
<i>South</i>	CS-V-CO-NP	Service station; Food sales; Personal services
<i>East</i>	SF-3-NP; LO-MU-CO-NP; CS-MU-CO-NP	Apartments; Single family residences
<i>West</i>	N/A	Airport Boulevard and rail line

**NEIGHBORHOOD PLANNING AREA:** North Loop    **TIA:** Is not required

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

283 – North Austin Neighborhood Alliance    511 – Austin Neighborhoods Council  
 742 – Austin Independent School District    957 – Ridgetop Neighborhood Association  
 1037 – Homeless Neighborhood Association    1075 – Bike Austin  
 1200 – Super Duper Neighborhood Objectors and Appeals Organization  
 1224 – Austin Monorail Project    1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.    1340 – Austin Heritage Tree Foundation  
 1363 – SEL Texas    1378 – North Loop Neighborhood Planning Team

1391 – Central Austin Community Development Corporation

1396 – Sustainable Neighborhoods

1424 – Preservation Austin

1447 – Friends of the Emma Barrientos MACC

### **SCHOOLS:**

Ridgetop Elementary School

Lamar Middle School

McCallum High School

### **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0013 – 4805 Harmon Ave	LO-CO-NP to SF-4A-NP	To Grant SF-4A-CO- NP w/CO for 2,000 trips	Apvd as PC recommended (06-06- 2013).
C14-2007-0034 – GO-4703 Harmon Ave	SF-3-NP to GO- MU-NP	To Grant LO-MU-CO- NP w/CO to prohibit residential treatment use	Apvd as PC recommended (-07-26- 2007).

### **RELATED CASES:**

The property appears to have been zoned CS district in 1959. The CS-1 footprint that is identified as Tract 2 in the subject rezoning case was approved by Council on May 15, 1986 (C14R-86-018 – Concorde Center). Please refer to the 1986 Principal Roadway Area site plan provided as Exhibit B. The 9,595 square foot CS-1 footprint at the northeast corner of the site was approved by Council on March 13, 1986 (C14-85-271 – Concorde Center). It was reviewed as a Conditional Use Permit for a cocktail lounge and is occupied as a billiard hall with 100 seats. A public Restrictive Covenant and site plan notes prohibit adult-oriented uses. A Street Deed was granted for additional right-of-way on East 46<sup>th</sup> Street.

As part of the North Loop Neighborhood Plan Rezonings, the property was identified as Tract 39c and rezoned to CS-CO-NP and CS-1-CO-NP district zoning on May 23, 2002 (C14-02-0009). On Tract 39c, the Conditional Overlay 1) prohibited the following uses: adult-oriented uses, pawn shop services, residential treatment and transitional housing, and 2) made the following uses conditional: agricultural sales and services, campground, commercial blood plasma center, construction sales and services, convenience storage, equipment repair services, equipment sales, kennels and vehicle storage. The property is also allowed to be developed as a neighborhood mixed use building special use (Section 25-2-1521 through 1524).

The property was identified as a portion of Tract 13 in the rezoning case that added the vertical mixed use building (V) designation on March 20, 2008 (C14-2008-0002). If a vertical mixed use building that meets City standards is approved, then the property is exempt from the dimensional standards, subject to parking reductions, and 10 percent of the

residential units available for rental in a vertical mixed use building shall be reserved for households earning no more than 80 percent of the annual median family income.

The property represents a portion of Block U of Ridgetop Fourth Addition, recorded in 1916 (C8-1916-1290).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Airport Boulevard	124 feet	57 feet	Arterial	Yes	No	Yes

**CITY COUNCIL DATE:** September 25, 2014    **ACTION:**

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

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 512-974-7719


$$1'' = 200'$$

# EXHIBIT A



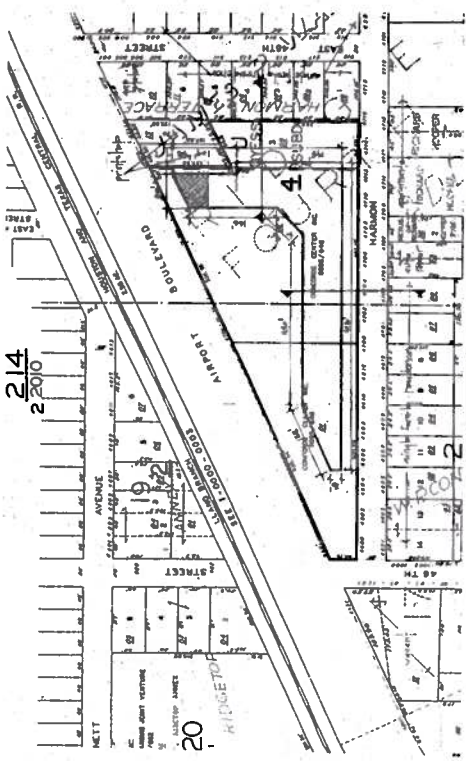
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







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2200



Classification	Area	Count	Notes
1. Single-Family	3,100	12	
2. Multi-Family	3,100	12	
3. Commercial	1,200	37	
4. Industrial	3,100	10	
5. Public	3,100	10	
6. Other	3,100	10	
7. Total	15,600	91	

Notes: The building department requires a minimum of 10' clearance from the building to the street. The building department requires a minimum of 10' clearance from the building to the street.

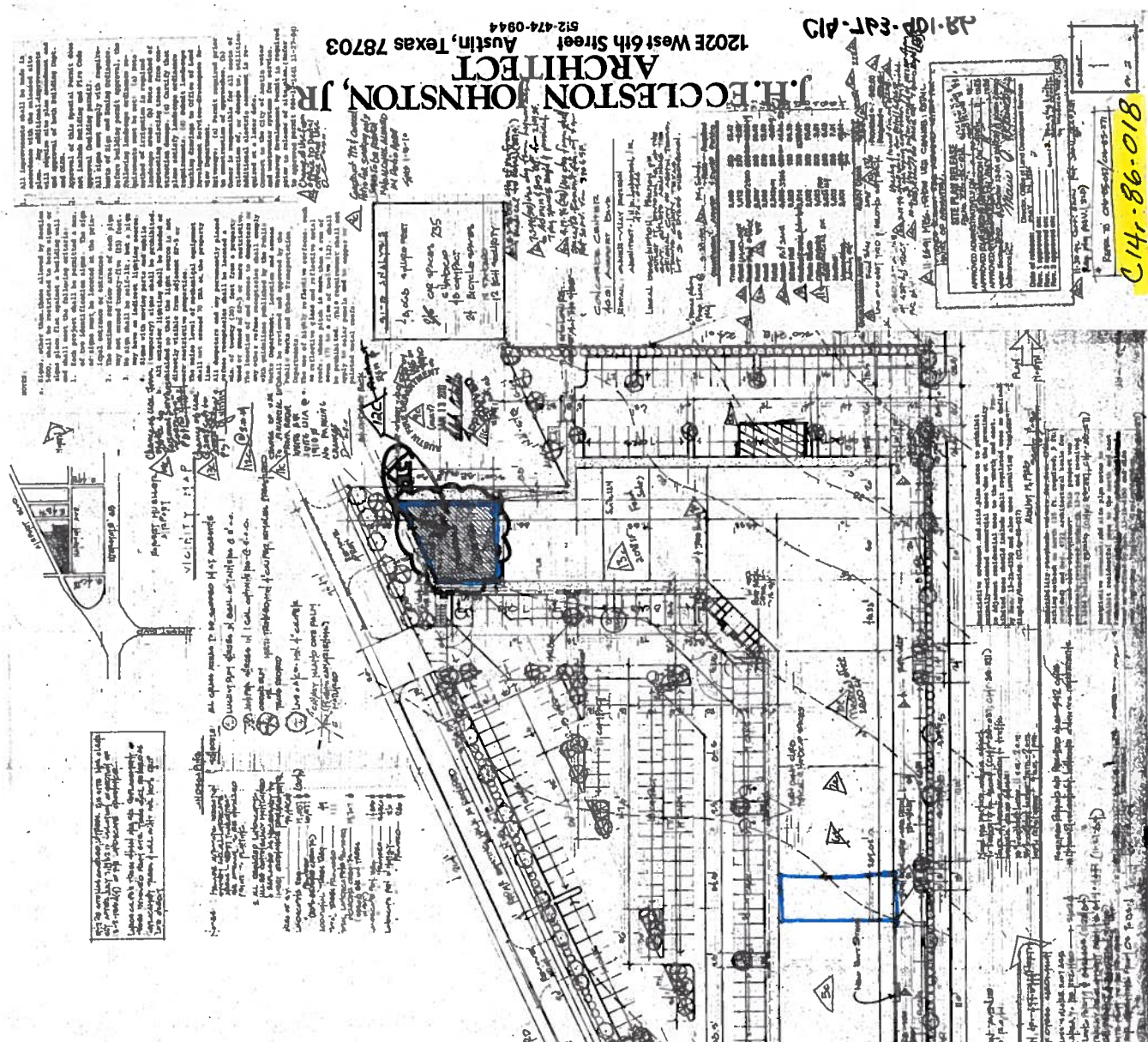


EXHIBIT B  
1986 PRA  
SITE PLAN

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial-liquor sales – vertical mixed use building – conditional overlay – neighborhood plan (CS-1-V-CO-NP) combining district zoning for Tract 1, and general commercial services – vertical mixed use building – conditional overlay – neighborhood plan (CS-V-CO-NP) combining district for Tract 2. The CO is for the list of prohibited uses and conditional uses as approved through the North Loop Neighborhood Plan Rezoning.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

Tract 1: The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

Tract 2: The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

- 2. Rezoning should not contribute to the over zoning of an area.*  
*3. Zoning should promote a reasonable use of the property.*

Staff recommends the Applicant's request given its location within a shopping center which contains a mix of commercial uses and takes its access to an arterial roadway. The change to allow for CS-1 in one lease space is balanced by the removal of existing CS-1 in another where it is no longer needed, and this addresses the Staff concern regarding overzoning the shopping center with CS-1 space.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is developed with a commercial and retail center, and is relatively flat. There appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 80%, which is based on the more restrictive watershed regulations, as described below.



### **Comprehensive Planning**

This zoning case is located on the west side of Airport Blvd and the east side of Harmon Avenue, and contains a shopping center with numerous one-story commercial businesses, which are attached in a row. This request concerns a portion (.04 acres) of this 3.6 acre property, which is located within the boundaries of the North Loop Neighborhood Planning area. Surrounding land uses includes commercial property to the north, a fast food restaurant to the south, and single family housing to the east and west. The proposed use is a liquor store.

#### **North Loop Neighborhood Plan (NLNP)**

The NLNP Future Land Use Map Designates this portion of the planning area as 'Mixed Use' and Zone CS-1 is permitted under this future land use designation. The following NLNP policies are applicable to this request:

**Goal 4:** Encourage development of a diversity of neighborhood-oriented businesses. (p 18)

**Objective 4.1:** Promote zoning that allows the development of small scale, neighborhood oriented businesses. (p 18)

**Objective 4.2:** Encourage a balanced and diverse mix of independently owned, neighborhood businesses including green grocer, restaurants, coffee shops, bakery, **pub**, hardware store. (p 18)

**Goal 5:** Enhance the neighborhood's existing commercial corridors (**Airport Boulevard**, North Loop/53rd commercial center, Lamar Boulevard, and Koenig Lane) (p 18)

**Objective 5.1:** Develop rezoning recommendations that would encourage mixed use and a greater diversity of land uses and businesses

The NLNP FLUM and policies above appears to support neighborhood serving businesses, including businesses that sell liquor, along this portion of Airport Boulevard.

#### **Imagine Austin**

The Imagine Austin Growth Concept Map identifies this project as being located along an **Activity Corridor** (Airport Blvd). However, the comparative scale of this project relative to other nearby commercial uses falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

No trees are located within the requested rezoning area. 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.

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.

### **Transportation**

Additional right-of-way may be required at the time of subdivision and/or site plan.

### **Water and Wastewater**

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 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.

### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

This tract is already developed and the proposed zoning change is a footprint within the existing development.

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.

This site is within the North Loop Neighborhood Planning Area. Additional comments related to this Overlay will be made at the time of submittal.



## 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:  
<http://www.austintexas.gov/development>.

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: C14-2014-0085**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: August 26, 2014, Planning Commission**

**September 25, 2014, City Council**

Albert Chiu Hany Tsang  
Your Name (please print)

4703 Harmon Ave, Austin TX 78751  
Your address(es) affected by this application

☐ I am in favor  
☒ I object

09/02/14  
Date

[Signature]  
Signature

Daytime Telephone: 512-506-0540

Comments: A liquor establishment will diminish the desirability of the neighborhood due to likely higher traffic and potential nuisance of transients and party-goers frequenting these types of establishments. Our property is zoned as SF-3, so having this type of establishment across the street is impactful to the overall SF-3 neighborhood.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810