

PLANNING COMMISSION

*Handouts*

JANUARY 27, 2015

Two x m

Late Back-Up

JAN. 27, 2015 PC HRNG

C3

-----Original Message-----

From: Jeff Howard

Sent: Monday, January 26, 2015 2:31 PM

To: Meredith, Maureen; K.C. Willis

Cc: 'Douglas Ruby'; jrees@

Subject: RE: PC report: NPA-2014-0015.01 - City School

Importance: High

Item C3 - NPA-2014-0015.01  
City School

(Note: Staff is requesting on behalf of Applic. so both cases can be discussed together)

Maureen,

On behalf of the applicant, I would like to request a postponement of the above referenced NPA case, currently scheduled as Item No. C.3 on the January 27, 2015 Planning Commission agenda, to the March 24, 2015 Planning Commission agenda. The purpose of the postponement request is to avoid scheduling conflicts and to allow a companion zoning case to submitted and heard concurrently so that Planning Commission will hear the case at one meeting instead of two separate meetings.

Thank you.

Jeffrey S. Howard  
Partner

Barton Oaks Plaza, Building II  
901 South MoPac Expy | Ste 225  
Austin, Texas 78746  
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**City of Austin Planning and  
Development Review Department**  
505 Barton Springs Road • P.O. Box 1088 • Austin, Texas 78767-8835

**MEMORANDUM**

**TO:** Commission Members, Planning Commission

**FROM:** Brad Jackson, Case Manager  
Planning and Development Review Department

**DATE:** January 26, 2015

**SUBJECT:** Revised back-up for Item # 10 at January 27, 2015 Planning Commission Meeting

Handwritten initials "BJ" in the top right corner.

There was an error in the back-up submitted for Item #10, 1300 Lamar Plaza II [SP-2013-0209AT(R1)]. The total square footage requested for Cocktail Lounge use is **2,515 square feet** and not 2,280 square feet. The stairs to access the rooftop deck were left out of the back-up material calculations. Notification was sent with the correct number of 2,515 square feet requested for Cocktail Lounge use. See revised back-up below.

If you have any questions, please call me at 974-3410.

Sincerely,

Brad Jackson, Case Manager  
Planning and Development Review Department

**\*\*\*REVISED\*\*\*  
 PLANNING COMMISSISON  
 SITE PLAN  
 CONDITIONAL USE PERMIT  
 REVIEW SHEET**

**CASE NUMBER:** SPC-2013-0209AT(R1) **PLANNING COMMISSION**  
**HEARING DATE:** January 27, 2015

**PROJECT NAME:** 1300 Lamar Plaza II

**ADDRESS:** 1300 S. Lamar Blvd.

**APPLICANT:** Lantzch Family Trust (Thomas Lantzch)  
 2625 Middlefield Road  
 Palo Alto, CA 94306

**DEVELOPER:** 1300 Lamar Plaza LLC (Scott Trainer)  
 P.O. Box 160896  
 Austin, TX 78716

**AGENT:** UTE Consultants Inc. (Joan Ternus P.E.)  
 307 E. 2<sup>nd</sup> Street  
 Austin, TX 78701

**CASE MANAGER:** Brad Jackson Phone: 974-3410  
[Brad.jackson@austintexas.gov](mailto:Brad.jackson@austintexas.gov)

**NEIGHBORHOOD PLAN:** Zilker

**PROPOSED DEVELOPMENT:**

The applicant is requesting a revision to an approved conditional use permit for a cocktail lounge. The revision will increase the size of Cocktail Lounge use to 2,515 square feet (see summary table next page). The cocktail lounge will have a 400 square foot roof top deck. The site plan revision under review includes a liquor store; however it's a permitted use with within the CS-1 zoning district and does not require a conditional use permit.

The change of use will be within an existing, vacant building and only interior remodeling will be necessary. Parking will be provided on site with the exception of 9 spaces being provided as off-site accessory on the abutting property to the east. The off-site parking will also be reviewed and approved administratively. No construction will be permitted with this conditional use permit.

~~The notice for this Site Plan Conditional Use Permit contained an error that over estimated the square footage requested for Cocktail Lounge use. The total Cocktail Lounge use proposed in this revision is 2,280 square feet and not 2,515 square feet as stated in the notice. Please see summary table on next page for existing and proposed permitted uses.~~

The cocktail lounge will operate Monday through Sunday, 3pm to 2am.

**Summary of Proposed Revision:**

Use	Currently Approved	Total Proposed	Difference
Cocktail Lounge	1,568	1,880	+312

Rooftop deck/stairs	435	400	-35
<b>Total Cocktail Lounge</b>	<b>2,003</b>	<b>2,280</b>	<b>+277</b>
Liquor Store (Not in CUP)	2,626	2,314	-312
Offsite Parking Req.	5	9	+4

**Summary of Proposed Revision:**

Use	Currently Approved	Total Proposed	Difference
Cocktail Lounge	1,568	1,880	+312
Rooftop deck/stairs	435	635	+200
<b>Total Cocktail Lounge</b>	<b>2,003</b>	<b>2,515</b>	<b>+512</b>
Liquor Store (Not in CUP)	2,626	2,314	-312
Offsite Parking Req.	5	9	+4

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the conditional use permit for the cocktail lounge. Lamar Boulevard is a core transit corridor and major arterial with a number of commercial businesses across and next to the proposed use. The proposed uses of the cocktail lounge and liquor store will be occupying a vacant liquor store. Although 9 parking spaces will be provided off site, the spaces will be on the adjacent lot, and pedestrians will not be required to cross right of way to access the cocktail lounge.

Additional variances are not being requested and the site complies with compatibility standards. The site plan will comply with all requirements of the Land Development Code prior to release.

**PROJECT INFORMATION**

<b>SITE AREA</b>	8820 SF.	.2025 acres	
<b>EXISTING ZONING</b>	CS-1-V and CS-V		
<b>WATERSHED</b>	West Bouldin Creek		
<b>WATERSHED ORDINANCE</b>	Comprehensive Watershed Ordinance (Suburban)		
<b>TRAFFIC IMPACT ANALYSIS</b>	Not required		
<b>CAPITOL VIEW CORRIDOR</b>	None		
<b>PROPOSED ACCESS</b>	South Lamar Blvd. and Lamar Square Drive		
	<b>Allowed/Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>FLOOR-AREA RATIO</b>	2:1	.52:1	.48:1
<b>BUILDING COVERAGE</b>	95%	4601 SF	4194 SF
<b>IMPERVIOUS COVERAGE</b>	95%	100%	100%
<b>PARKING</b>	18	8	22**

\*\*includes the 9 off-site parking spaces

\*5 bicycle spaces will be provided

**SUMMARY COMMENTS ON SITE PLAN:**

The proposed cocktail lounge will not provide an additional permissive use as this building has been a liquor store for at least 30 years.

Parking will be accessed from South Lamar and Lamar Square Drive. The 5 off-site parking spaces will be available on the abutting property, which will be developed by the same owner. The abutting property will be redeveloped to a restaurant. A portion of the building will be demolished with the remaining portion of the property resurfaced for parking.

The parking agreement and restrictive covenant have been submitted to City of Austin legal for review. The RC will be recorded once it's been approved by City legal, and before the conditional use permit is released.

The site was recently rezoned to CS-1-V to permit the option of requesting a conditional use permit for a cocktail lounge. CS-1-V did not cover the entire building footprint, therefore additional CS-1 was requested. The remainder of the site which does not have building, is zoned CS-V.

There is multifamily land use to the west which is zoned CS, across Lamar Square, and about 75 feet from the subject tract.

Existing single family land use and zoning districts are not within 500 feet of the proposed cocktail lounge use.

The neighborhood, Mary Lee Foundation and the owner of the business have entered into a private restrictive covenant that specifies additional restrictions about amplified sound, outdoor live music, temporary permitting for outdoor events, and signage. Even though the City is not a party to the restrictive covenant, the owner and neighborhood appear to be in agreement with the restrictions, and understand the implications. The restrictive covenant was filed when the zoning change occurred.



**EXISTING ZONING AND LAND USES**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-1-V	Vacant (formerly liquor sales)
<i>North</i>	CS-V, CS	Restaurant, pizza take out, convenient store and gas station
<i>South</i>	CS-1-V, CS-V, CS-CO	Cocktail lounge
<i>East</i>	CS-MU-V-CO	Carwash, auto repair ,Multi family
<i>West</i>	CS-MU-CO, CS-V, GR-MU-CO	General retail, office

**ABUTTING STREETS**

<b>Street</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>	<b>Classification</b>
S. Lamar Blvd.	114 feet	60 feet	Arterial
Lamar Square Dr.	60 feet	37 feet	Local

**NEIGHBORHOOD ORGNIZATIONS:**

511—Austin Neighborhoods Council  
 107 – Zilker Neighborhood Association  
 498- South Central Coalition  
 742—Austin Independent School District  
 786—Home Builders Association of Greater Austin  
 1037—Homeless Neighborhood Assn.  
 1075— Bike Austin (fka) League of Bicycling Voters  
 1113—Austin Parks Foundation  
 1200—Super Duper Neighborhood Objectors and Appealers 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  
 1409 – Beyond2ndNature  
 1423 – Wildflower Church  
 1424 – Preservation Austin

## CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

The following evaluation is included to provide staff's position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code (EVALUATION OF CONDITIONAL USE SITE PLAN) states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

B. A conditional use site plan must:

1. **Comply with the requirements of this title;**

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code. Variances are not being requested in addition to the conditional use permit.

2. **Comply with the objectives and purposes of the zoning district;**

Staff Response: The proposed cocktail lounge within the CS-1 zoning district; a rezoning was recently approved by City Council for CS-1-V, to include the remaining portion of the building not zoned CS-1, and to address the potential request of a cocktail lounge.

3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;**

Staff Response: The site plan will comply with all requirements of the Land Development Code. The site plan complies with setback, height, and compatibility requirements. The abutting sites are zoned similarly with CS and CS-1 zoning district. The existing one story building will be renovated; the height and square footage of the building will not increase.

4. **Provide adequate and convenient off-street parking and loading facilities; and**

Staff Response: The site plan will create adequate off-street parking and loading for all uses on the site. 9 off-site parking spaces will be provided on the adjacent site to comply with the code required parking standard.

5. **Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.**

Staff Response: The site plan will comply with all requirements of the Land Development Code including Compatibility Standards, and reasonably protects the health, safety, and welfare of persons and property.

C. In addition, a conditional use site plan may not:

6. **More adversely affect an adjoining site than would a permitted use;**

The existing use is vacant; however the previous use was a liquor store. The proposed use front and take access to a major arterial, Lamar Boulevard, and is classified as a core transit corridor; and would not more adversely affect an adjoining site more than a permitted use.

7. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or**

Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.

8. **Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: All signs and lighting will comply with the Land Development Code.

D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or

**material injury.**

In addition, Sec. 25-5-146 (CONDITIONS OF APPROVAL) states:

(A) To make a determination required for approval under Section 25-5-145 (Evaluation of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.



**Anguiano, Dora**

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**From:** Brian Roark [REDACTED]  
**Sent:** Thursday, January 22, 2015 3:55 PM  
**To:** Rusthoven, Jerry  
**Cc:** Anguiano, Dora  
**Subject:** Case SPC-2014-0175A Red Bluff Hotel

DI

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jerry,

I hereby request that the above referenced case be placed on the Tuesday January 27 agenda to discuss possible revision or amendment to the previous action we took. This request is made pursuant to Section 5 of our rules of procedure. I believe there is information that was not previously presented that I would like to full commission to consider. Let me know if there's anything else I need to do to accomplish this.

Thank you,

Brian Roark  
Botsford & Roark  
1307 West Avenue  
Austin, Texas 78701  
Telephone: (512) 476-1900  
Facsimile: (512) 479-8040

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**Anguiano, Dora**

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**From:** Alfonso Hernandez [REDACTED]  
**Sent:** Friday, January 23, 2015 10:46 AM  
**To:** Rusthoven, Jerry  
**Cc:** Anguiano, Dora  
**Subject:** Case SPC-2014-0175A Red Bluff Hotel

DI

Jerry,

I hereby request that the above referenced case be placed on the Tuesday January 27 agenda to discuss possible revision or amendment to the previous action we took. This request is made pursuant to Section 5 of our rules of procedure. I believe there is information that was not previously presented that might make a difference.

Thank you,  
Alfonso

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**Anguiano, Dora**

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**From:** richard.g.hatfield [REDACTED]  
**Sent:** Monday, January 26, 2015 10:38 AM  
**To:** Anguiano, Dora  
**Cc:** Richard G. Hatfield  
**Subject:** Red Bluff Hotel

DI

Dora

Please add my name to the record to rescind action taken on January 13, 2015 regarding case #SPC-2014-0175A - Red Bluff Hotel located at 4701 Red Bluff Road.

Richard Hatfield

[REDACTED]