

**SECOND/THIRD READINGS SUMMARY SHEET**

CASE: C14-2020-0049 – Planet K South Pop Rezone

DISTRICT: 5

ADDRESS: 1516 South Lamar Boulevard

SITE AREA: 0.125 acres (5,465 square feet)

PROPERTY OWNER:

AusPro Enterprises LP (Michael Kleinman)

AGENT:

Moncada Enterprises (Phil Moncada)

CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))

REQUEST:

**Approve Second and Third Reading of an ordinance amending City Code Title 25 by rezoning property locally known as 1516 South Lamar Boulevard (West Bouldin Creek Watershed). Applicant Request: To rezone from general commercial services (CS) district zoning to commercial - liquor sales (CS-1) district zoning.**

PREVIOUS CITY COUNCIL ACTION:

**July 30, 2020**

**Approved CS-1 for First Reading only. Vote 10-1. [J. Flannigan voted nay].**

ISSUES:

Council Member Kitchen voiced concerns about noise levels on this property and stated her office would be reaching out to the applicant to discuss options.

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2020-0049 – Planet K South Pop Rezone      DISTRICT: 5

ZONING FROM: CS      TO: CS-1

ADDRESS: 1516 South Lamar Boulevard

SITE AREA: 0.125 acres (5,465 square feet)

PROPERTY OWNER: AusPro Enterprises LP (Michael Kleinman)      AGENT: Moncada Enterprises (Phil Moncada)

CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends rezoning an area footprint to commercial - liquor sales (CS-1) district zoning.** *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

**June 23, 2020      Approved staff's recommendation on the consent agenda. Vote: 12-0. [J. Thompson, R. Schneider – 2nd; P. Seeger was off the dais].**

CITY COUNCIL ACTION:

**September 3, 2020      Scheduled for City Council.**

July 30, 2020      Approved staff's recommendation for First Reading only. Vote 10-1. [J. Flannigan voted nay].

ORDINANCE NUMBER:

ISSUES

On June 16, 2020 the Zilker Neighborhood Association (ZNA) Executive Committee voted to oppose this rezoning application.

On June 23, 2020 the applicant amended their request to rezone the entire lot (0.46 acres) to just a footprint on the site (0.125 acre). This area footprint would encompass the existing building and covered outside seating area.

On June 25, 2020 the Friends of Zilker Neighborhood Association voted in favor to support rezoning this property to CS-1.

For all letters and communication received for this rezoning case, please refer to *Exhibit C: Correspondence Received*.

**CASE MANAGER COMMENTS:**

The area to be rezoned is approximately 0.125 acres and is currently developed with a single commercial structure and covered patio. North of this property are tracts zoned GR-MU-CO, GR-V and CS-V. To the east across South Lamar Boulevard are tracts zoned CS-V-CO, CS-V and a footprint of CS-1-V-CO. The footprint of CS-1-V-CO is for a cocktail lounge. To the south are tracts zoned CS-V and CS and to the west are tracts zoned GR. The applicant is requesting commercial – liquor sales (CS-1) district zoning in order to provide onsite alcoholic beverages within their existing building and covered patio space. This would be considered a cocktail lounge use and will require a conditional use permit (CUP) prior to establishing the use.

**BASIS OF RECOMMENDATION:**

1. *Rezoning should not contribute to the over zoning of the area.  
Zoning should allow for reasonable use of the property.*

The CS-1 zoning district is specifically used to permit sale of liquor on site and allows for the cocktail lounge use. Staff has historically recommended rezoning a footprint for CS-1 zoning districts and not an entire lot due to the intensity of the permitted land uses within the zone. This is done to control this type of use and its location. Staff recommends rezoning a footprint of CS-1 based on the property's access to a major thoroughfare which contains a mix of commercial uses and corresponding zoning. Rezoning a footprint would allow the property owner to conduct their requested use and not cause over zoning of CS-1 in this area.

**EXISTING ZONING AND LAND USES:**

	Zoning	Land Uses
Site	CS	General Retail Sales
North	CS-V and GR-V	Professional Office
South	CS-V and CS	Automotive Repair Services and General Retail Sales (General)
East	South Lamar Boulevard, CS-V and CS-1-V-CO	Medical Offices, Convenience Storage and Commercial Strip Mall.
West	GR	Professional Office and Multifamily Residential

**NEIGHBORHOOD PLANNING AREA:** Zilker Neighborhood (Suspended)

**TIA:** Deferred to the site plan application when land uses and intensities will be finalized.

WATERSHED: West Bouldin Creek (urban)

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards

SCHOOLS: Zilker Elementary, O. Henry Middle and Austin High School.

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Perry Grid 614
Austin Lost and Found Pets	Preservation Austin
Austin Neighborhoods Council	SELTexas
Bike Austin	Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods	South Central Coalition
Friends of Zilker	TNR BCP - Travis County Natural
Homeless Neighborhood Association	Resources
Neighborhood Empowerment Foundation	Zilker Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-06-0123 Ardent 1/South Lamar 1500 S. Lamar Blvd	GR and CS to GR-MU-CO	Approved GR-MU-CO as Staff recommended.; CO is to limit daily trips and a list of prohibited uses.	Approved GR-MU-CO; CO is for a list of prohibited uses; a public restrictive covenant was created to limit the number of trips. (4/19/07)
C14-06-0124 Ardent 2 1418 S. Lamar Blvd	MF-3 and CS to GR-MU-CO	Approved GR-MU-CO as Staff recommended.; CO is to limit daily trips and a list of prohibited uses.	Approved GR-MU-CO; CO is for a list of prohibited uses; a public restrictive covenant was created to limit the number of trips. (4/19/07)
C14-05-0147 Miravue 1704 S Lamar Blvd	CS to CS-MU	Approved CS-MU-CO as Staff recommended; CO is to limit daily trips.	Approved CS-MU-CO as Commission recommended. (12/15/05)

Number	Request	Commission	City Council
C14-98-0030 Billiard Parlor 1513 Block of S Lamar Blvd	CS to CS-1	Approved CS-1-CO as Staff recommended; CO is for ROW dedication.	Approved CS-1-CO as Commission recommended, with a Public RC that allowed zoning to revert back to CS if use was discontinued for 90 days. (6/4/98)

RELATED CASES:

C14-2008-0060: Zilker Vertical Mixed Use Building Rezoning Opt-In/Opt-Out Process

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
South Lamar Blvd	~98'	100'	58'	3	Yes	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

This rezoning case is located on the west side of South Lamar Boulevard on a 0.469-acre parcel that contains a retail use. The property is situated along an Activity Corridor and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses include office and retail uses to the north; to the south is an auto repair shop and retail uses; to the west is an office and multifamily housing; and to the east is a convenience storage facility, an office and retail uses. The proposed use is for onsite alcohol consumption.

Connectivity: Public sidewalks are located along both sides of South Lamar Blvd, and transit stops are located within 300 feet walking distance to this location. Mobility and connectivity options in this area are above average.

*Imagine Austin*

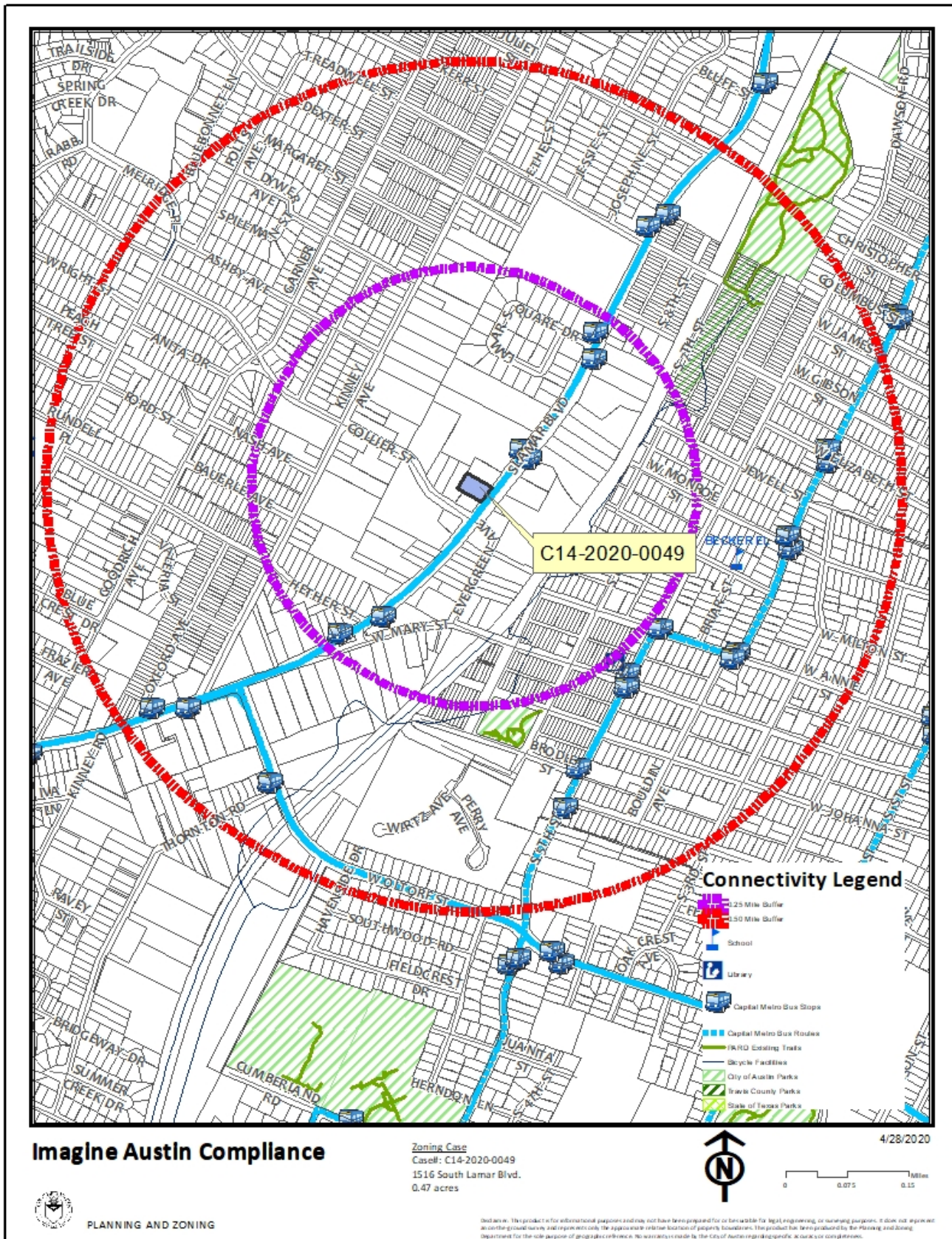
The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve 'complete communities' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies this section of South Lamar Boulevard as an Activity Corridor. Activity corridors are the connections that allow people to travel throughout the city and region by bicycle, transit, or automobile and are characterized by a variety of activities and types of buildings such as retail, restaurants, parks, schools, single-family houses, apartments, civic uses, mixed-use buildings, and offices.

The following Imagine Austin policies are applicable to this case.

- 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 the property being located along a major Activity Corridor, which supports commercial uses and; the Imagine Austin policies referenced above, which encourages development in areas that maximize biking, walking and transit opportunities and respects the predominant character of an area, this project supports the Imagine Austin Comprehensive Plan.





### Environmental

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.

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.

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 square feet cumulative is exceeded, and on site control for the two-year storm.

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.

### Site Plan

Site plans will be required for any new development other than single-family or duplex residential. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. Note that South Lamar Boulevard is a Core Transit Corridor.

### *Compatibility Standards*

The site is subject to compatibility standards based on a parcel within the SF-3 Zone located approximately 400 feet to the west. Along the northwest property line, the following standards apply:

- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, height limitation is 60 feet plus one foot for each 4 feet of distance in excess of 300 feet from the property line.

### *Demolition and Historic Resources*

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Additional design regulations will be enforced at the time a site plan is submitted.



### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, calls for 100 feet of right-of-way for South Lamar Blvd. It is recommended that 50 feet of right-of-way from the existing centerline should be dedicated for South Lamar at the time of subdivision or site plan. A traffic impact analysis should be deferred to the site plan application when land uses and intensities will be finalized.

### Austin Water Utility

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 land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

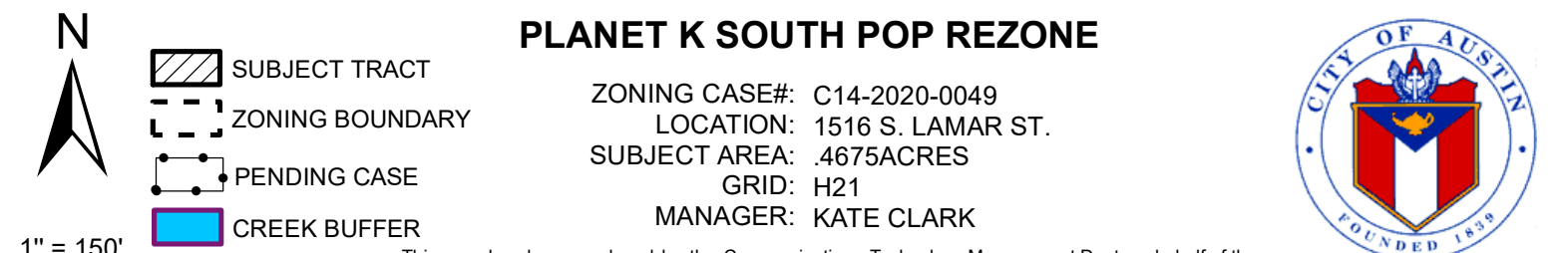
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### INDEX OF EXHIBITS TO FOLLOW

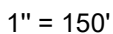
Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received







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ZONING CASE#: C14-2020-0049  
LOCATION: 1516 S. LAMAR ST.  
SUBJECT AREA: .4675ACRES  
GRID: H21  
MANAGER: KATE CLARK



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



## Exhibit C

### Zilker Neighborhood Association letter of opposition to 1516 S. Lamar rezoning

The ZNA opposes CS-1 zoning for several reasons:

1. A cocktail Lounge next door to a Foundation Communities project is inappropriate.
2. CS-1 is a high traffic-generator. Parking at this site and access/egress from South Lamar is extremely tight. CS-1 would create traffic issues and parking spillover that would affect nearby residents, businesses, and the vehicular traffic on South Lamar.
3. This location has an outdoor stage at the back of the property. There are 4 large residential complexes within 200 feet of this property (including Foundation Communities) that would be affected by amplified sound, which has an 85db limit for CS-1 zoning. A restaurant would be limited to 70 dB (less than 1/2 the sound energy on the logarithmic decibel scale).
4. South Lamar is saturated with alcohol sales. Below are pre-coronavirus totals for the month of January, not including wine or beer. Planet K is an iconic place on South Lamar and in the Zilker Neighborhood, and it would be a shame to see it become another homogenous bar in an entertainment district. Even if this isn't the current owner's vision, zoning is incentivizing, it applies to the land, and it is permanent.

Dave Piper  
President, Zilker Neighborhood Association

Alcohol sales for January between Barton Springs Road and Oltorf Street, **not including wine or beer (establishments over \$50,000)** Source: TABC. In addition, there are large sales volumes for alcohol on the rest of South Lamar.

Alamo Drafthouse (includes Highball) \$368,620  
Eberly \$202,154  
Black Sheep \$158,870  
Odd Duck \$138,627  
Gibson Bar (bar; zoned CS-1) \$134,423  
Golden Goose (bar; zoned CS-1) \$84,285  
Saxon PUB (bar; zoned CS-1) \$84,044  
Corner Bar (bar; zoned CS-1) \$75,568  
Barton Springs Saloon (bar; waterfront overlay) \$72,525  
TLC \$64,402  
Soto \$61,527  
Bouldin Acres \$54,934 (one week only; opened Jan 23)  
Maudie's Café \$52,628



Friends of Zilker  
NEIGHBORHOOD ASSOCIATION

June 25, 2020

Kate Clark, AICP, LEED AP  
Senior Planner  
City of Austin | Planning and Zoning Department  
P.O.Box 1088, Austin, Texas 78767  
Tel: 512-974-1237  
Email: [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov)

Kate Clark:

This is a letter to indicate the Friends of Zilker neighborhood association has voted unanimously in favor of supporting the rezoning of 1501 South Lamar to CS-1.

The vote and the results can be found here:

<https://zilkerlist.org/t/foz-vote-support-rezoning-of-1516-s-lamar-to-cs-1/635>

The reasoning behind supporting this was based on the following factors:

1. South Lamar is a high density housing corridor with rapid transit service on the 803 capital metro line.
2. Cocktail Lounges on high density corridors with good public transit reduces the need for people to drive thus reducing drunk driving.
3. Putting commercial services in walkable proximity to housing reduces the need for an automobile and thus reduces cost of living in already high priced zones.
4. Given the heterogeneous nature of this neighborhood with various densities and price points of housing, types of businesses, proximity to jobs, restaurants, supermarkets, public transport, Zilker is already almost a self contained little city within a city. Converting a small boutique retail shop with limited appeal to a higher appeal entertainment venue that would serve more people would serve our local microcosm of Austin best.
5. We strongly support controls on volume, traffic, occupancy, and compliance to TABC rules as prescribed by building, fire, and city code for the safety and comfort of all residents as is expected from all business that operate in commercial spaces.
6. In accordance with the South Lamar corridor plan the nearby intersection of Collier and South Lamar is due for significant upgrades with left hand turn signals and pedestrian crossings. This positions this location in a soon to be even higher pedestrian trafficked portion of South Lamar.
7. With the economic injury caused by the pandemic we should support - in all ways possible - commercial ventures willing to take a risk and breathe life into industries, like the service and live music industry, hit particularly hard.

Sincerely,

J.P. Maxwell  
Board Member at large for the Friends of Zilker Neighborhood Association

## Clark, Kate

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**From:** Rivera, Andrew  
**Sent:** Tuesday, June 23, 2020 11:07 AM  
**To:** Clark, Kate  
**Subject:** FW: C14-2020-0049--Planet K South Pop Rezone, District 5 (agenda item 25)

FYI

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**From:** [REDACTED]  
**Sent:** Tuesday, June 23, 2020 11:05 AM  
**To:** Rivera, Andrew <Andrew.Rivera@austintexas.gov>  
**Subject:** C14-2020-0049--Planet K South Pop Rezone, District 5 (agenda item 25)

\*\*\* External Email - Exercise Caution \*\*\*

Dear Planning Commissioners,

I would like to voice my opposition to the rezoning of 1516 South Lamar Blvd. to CS-1.

Because the nearest residential properties are not zoned residential but rather commercial, they would not trigger compatibility standards. This means that 1516 South Lamar could be permitted as a cocktail lounge and play music at 85 decibels on its patio until 2:00 a.m. The residents at The Flamingo condos on Collier, at the Post on South Lamar, at the apartments under construction across the street on Lamar, and at the future Foundation Community low-income housing (adjacent to the subject property) would find their homes unlivable.

I live on Kinney Avenue near Collier and in the past have heard live music from the outdoor stage at South Pop (and they've never had a permit for it, by the way). My neighbors and I on Kinney would also be adversely affected by amplified sound at 85 decibels. So if you do recommend rezoning to CS-1, I would ask that you at least limit the amplified sound to 70 decibels. Allowing 85 decibels on the patio would set a harmful precedent for the Zilker area. There currently are no locations on South Lamar or Barton Springs Road that are allowed to have outdoor music at more than 70 decibels.

Respectfully yours,  
Bill Neale

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## 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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2020-0049**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: July 30, 2020, City Council**

Nancy Gorman

Your Name (please print)

Nancy and Bill Gorman

Your address(es) affected by this application

1702 S. Lamar Bldg 1 Unit 2

Austin TX

Signature

Date

Daytime Telephone:

512 750 7099

Comments: This area has been over  
developed already the traffic  
is unbearable and the prices  
of our Real Estate have decreased  
significantly already.  
The density of this area is  
a detriment to all who live here!  
No more development

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

City of Austin, Planning & Zoning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**

☐ I am in favor  
☐ I object