ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0076 – 3100 Guadalupe St DISTRICT: 9

ADDRESS: 3100 Guadalupe Street

ZONING FROM: CS-CO-NP ZONING TO: CS-1-CO-NP

TOTAL SITE AREA: 0.075 acres (3,277 square feet)

PROPERTY OWNER: Leigh Family Trust (Alice G. Kaspar, Trustee)

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) combining district zoning. The Conditional Overlay 1) limits building height to 40 feet, 2) establishes that a drive-in service as an accessory use to a commercial use is a conditional use, 3) prohibits drive-in service as an accessory use to a restaurant (general and limited) use, 4) prohibits Art workshops, Campground, Exterminating services, Kennels, and Vehicle storage, and 5) establishes Automotive repair services, Building maintenance services, Club or lodge, Commercial blood plasma center, Commercial off-street parking, Construction sales and services, Convenience storage, Drop-off recycling collection center, Equipment repair services, Equipment sales, Hospital services (general), Laundry services, Off-site accessory parking, and Service station as conditional uses. *For a summary of the basis of Staff's recommendation, see pages 2-3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:
January 24, 2023:

January 10, 2023: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JANUARY 24, 2023*

[A. AZHAR; J. THOMPSON – 2ND] (11-0) P. HOWARD – ABSENT; ONE VACANCY ON THE DAIS

December 20, 2022: *APPROVED A POSTPONEMENT TO JANUARY 10, 2023, BY CONSENT*

[A. AZHAR; P. HOWARD – 2ND] (9-0) J. THOMPSON – ABSTAIN; G. COX; J. MUSHTALER, R. SCHNEIDER – ABSENT; ONE VACANCY ON THE DAIS

November 15, 2022: *APPROVED A POSTPONEMENT TO DECEMBER 20, 2022*

[A. AZHAR; J. THOMPSON – 2ND] (9-0) G. COX, R. SCHNEIDER, J. SHIEH – ABSENT; ONE VACANCY ON THE COMMISSION

October 25, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO NOVEMBER 15, 2022*
[J. THOMPSON; R. SCHNEIDER – 2ND] (10-0) C. HEMPEL, T. SHAW – ABSENT; ONE VACANCY ON THE COMMISSION

CITY COUNCIL ACTION:
To be scheduled

ORDINANCE NUMBER:

ISSUES:

On Wednesday, August 24th, the Applicant had a virtual meeting to discuss the case with representatives of the Heritage Neighborhood Association.

CASE MANAGER COMMENTS:

The subject rezoning area contains a 1,000 square foot personal services use within an existing commercial building and an adjacent 2,277 square foot portion of the parking lot extending to East 31st Half Street. The site containing the rezoning area is bounded by East 31st Half Street on the north, Guadalupe Street on the east, and East 31st Street on the south. Driveway access is limited to East 31st Half and East 31st Street. The rezoning area is part of Tract 209 within the West University neighborhood plan approved by Council in September 2004, and has general commercial services – conditional overlay – neighborhood plan CS-CO-NP) district zoning. The conditional overlay establishes a 40-foot height limit, and conditional and prohibited uses, and applies several to other tracts along Guadalupe as well.

There are restaurants and personal improvement services uses across West 31st Half to the north, a one-story commercial building, food sales, personal services uses, and single family residences across Guadalupe Street uses to the east (CS-CO-NP; SF-3-HD-NCCD-NP; SF-3-H-HD-NCCD-NP), and restaurant, personal services, pet services, with apartments on the upper floors to the south (CS-MU-CO-NP); and single family residences and apartments on East 31st Half and East 31st Streets to the west (SF-3-CO-NP; MF-1-CO-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant proposes to rezone the existing building and a 2,277 square foot portion of the parking lot extending to East 31st Half Street to the commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) district. The Applicant does not propose to change the existing Conditional Overlay that was established by the West University Plan. The intent is to repurpose the building and an adjacent area for patio seating to the service of onsite alcoholic beverages, which is a cocktail lounge use. As information, a conditional use permit (CUP) for the cocktail lounge will also be required prior to establishing the use. The CUP is a type of site plan application that requires review by the Planning Commission.

The land use character of this segment of Guadalupe Street is predominantly commercial and Staff believes the zoning request is appropriate in terms of its location on an arterial roadway. As information, the closest residence is located approximately 73 feet to the west (SF-3-CO-NP). The closest cocktail lounge to the subject property is approximately 1,200 linear feet to the north on West 35th Street, just off its intersection with Guadalupe.

BASIS OF RECOMMENDATION:

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

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. The Conditional Overlay (-CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.
The property fronts on Guadalupe Street, an arterial and established mobility corridor.

2. *The proposed zoning should allow for a reasonable use of the property.*
3. *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.*

Staff recommends CS-1-CO-NP zoning given its location on an arterial road and adjacency to commercial properties in all directions. The land use character of this segment of Guadalupe Street is predominantly commercial and Staff believes the rezoning request is appropriate in terms of its location on an arterial roadway and mobility corridor. CS-1-CO-NP zoning would permit a broad set of commercial uses, including the intended cocktail lounge, but continue the set of conditional and prohibited uses established by the West University Neighborhood Plan due to the proximity to residential uses to the east and west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-CO-NP	Dry cleaning and alterations business (a Personal services use)
North	CS-CO-NP	Restaurants (general); Personal improvement services
South	CS-CO-NP	Restaurant (general); Pet services; Personal services; Multifamily residential, Parking
East	CS-CO-NP; SF-3-HD-NCCD-NP; SF-3-H-HD-NCCD-NP	Parking; Single family residences in the North University NCCD; Food sales; Personal services
West	CS-CO-NP; SF-3-CO-	Rear parking area; Single family residences; Apartments

	NP; MF-1-CO-NP; MF-3-NP; MF-2-CO-NP	

NEIGHBORHOOD PLANNING AREA: Central Austin Combined (West University)

TRAFFIC IMPACT ANALYSIS: Is not required WATERSHED: Waller Creek – Urban

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

SCHOOLS:
Bryker Woods Elementary School O Henry Middle School Austin High School

COMMUNITY REGISTRY LIST:
33 – Heritage Neighborhood Association 48 – North University Neighborhood Association
511 – Austin Neighborhoods Council 742 – Austin Independent School District
754 – CANPAC 1228 – Sierra Group, Austin Regional Group
1327 – North Drag Ibiz District
1363 – SEL Texas 1391 – Central Austin Community Development Corporation
1424 – Preservation Austin
1497 – Shoal Creek Conservancy 1510 – My Guadalupe
1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association
1609 – Friends of Heritage 1616 – Neighborhood Empowerment Foundation
1740 – Aldrich Place Local Historic District Board 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14H-01-0003 – Walter Keeling House – 3120 Wheeler St	SF-3 to SF-3-H	To Grant SF-3-H	Apvd as Commission recommended (6-14-2001).

RELATED CASES:

The subject property is located within the boundaries of the Central Austin Combined (West University) Neighborhood Planning Area (NP-04-0019). The property is designated as Tract 209 and the CS base district was rezoned to CS-CO-NP district. The Conditional Overlay 1) limits height to 40 feet from ground level, 2) establishes drive-in service as an accessory use to a commercial use as a conditional use, 3) prohibits drive-in service as an accessory use to a restaurant (general and limited) use, 4) prohibits certain uses, and 5) makes certain uses conditional (C14-04-0021 – Ordinance No. 040902-58).

On November 15, 2005, a Transportation administrative site plan for off-site parking was approved (SP-05-1540T – 3110 Guadalupe Street Off-Site Parking Plan). There is an

administrative off-site / shared parking site plan in review for the property (SP-2022-0405T – 3110 Guadalupe) and if approved, it would replace the 2005 plan.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Required ROW / Existing ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
West 31st Street (proposed access)	64 feet recommended (58 feet – constrained); 40 feet	24 feet	Local Mobility – Level 1	Damaged / incomplete; recommended 5 feet	None	Yes
West 31st and ½ Street (proposed access)	64 feet recommended (58 feet – constrained); 50 feet	30 feet	Local Mobility – Level 1	5 feet existing	None	Yes
Guadalupe Street (no proposed access)	116 feet recommended (98 feet – constrained); 78 feet	58 feet	Corridor Mobility – Level 3	5 feet existing	On street bike path, recommended protected one-way bike lane	2 transit stops on Guadalupe

ADDITIONAL STAFF COMMENTS:

Inclusive Planning

Project Name and Proposed Use: Laundry Service to Cocktail Lounge with outdoor patio.
FLUM: Mixed Use.

Yes	Imagine Austin Decision Guidelines
	Compact and Connected Measures
Y	**Imagine Austin Growth Concept Map:** Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. **Name(s) of Activity Center/Activity Corridor/Job Center: Guadalupe Activity Corridor**
Y	**Mobility and Public Transit**: Located within 0.25 miles of public transit stop and/or light rail station (along Metro Rapid)
Y	**Mobility and Bike/Ped Access:** Adjoins a public sidewalk, shared path, and/or bike lane.
Y	**Connectivity, Good and Services, Employment**: Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	**Connectivity and Food Access**: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Is located within 0.50 miles from a public school or university.
Y	**Connectivity and Healthy Living**: Provides or is located within 0.50 miles from a recreational area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed Use: Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
6	**Total Number of "Yes's"**
	Imagine Austin Priority Program Bonus Features (Extra Points)
Y	**Small Area Plan Policies**: Supports applicable Small Area Plans, including the Future Land Use Map, goals, objectives, actions and text. List three small area plan policies that relate to this project. **Name of Small Area Plan: Central Austin Combined Neighborhood Planning Area (West University).**
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Culture and Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially an industry that is currently not represented in particular area or that promotes a new technology.
	Workforce Development, the Economy and Education: Promotes educational opportunities or workforce development training.
7	**Total Number of "Yes's" from Up Top and Under Bonus Features**

Applicable Small Area Plan Policies:

Goal 3: Allow mixed-use development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled, and serves neighborhood needs (p. 74)

Goal 4: West Campus should become a dense, vibrant, mixed-use and pedestrian oriented community (p. 83)

Objective 4.1: Promote quality, higher density mixed use and multi-family development in West Campus while preserving nearby single-family neighborhoods. (p. 85)

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

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

At this time, site specific information is unavailable regarding 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.

Impervious Cover

Within the Waller Creek watershed, the maximum impervious cover allowed by the *CS-1 zoning district is 95%*, which is based on the *zoning* regulations.

PARD – Planning & Design Review

There are currently no parkland dedication requirements for the proposed use, cocktail lounge. Parkland dedication may be required for commercial developments in the future based on City Council direction.

Site Plan and Compatibility Standards

NIGHTCLUBS / COCKTAIL LOUNGES
Cocktail Lounges are conditionally permitted in the CS-1 zoning district. A conditional use site plan will be required for a proposed cocktail lounge.

A cocktail lounge use or any business with alcohol sales may not operate within 300 feet of a church, public school or public hospital except as provided by the Texas Alcoholic Beverage Code, or within 300 feet of a daycare/childcare facility without a food & beverage certificate (§ 4-9-4). Upon submission of site plan, ensure that all existing land uses within this vicinity are shown.

Please be aware of regulations pertaining to cocktail lounges within § 25-2-808 *(Restaurants and Cocktail Lounges)* and 25-5-146 *(Conditions of Approval)*.

FYI: A cocktail lounge must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless:

- The lounge is within an enclosed shopping center; or,
- The Land Use Commission grants a variance from this requirement when the Land Use Commission approves the conditional use permit site plan application [LDC 25-5-146(B) *(Conditions of Approval)*].

Any new development is subject to Subchapter E. (*Design Standards and Mixed-Use)*. Additional comments will be made when the site plan is submitted.

This site is subject to the Compatibility Standards in § 25-2 Article 10 due to adjacent SF-3-CO-NP zoning to the west and additional single-family zoning and land uses within 540 feet of the site. A late-hours permit associated with the cocktail lounge use would be expressly prohibited without a waiver of the Compatibility Standards from the Land Use Commission.

Define area of cocktail lounge by shaded area on site plan. Refer to certified field notes and define boundaries of CS-1 zoning footprint.

Please show all uses within 200 feet and within 300 feet of the property lines to support the conditional use determination by land use commission.

This site is located in the West University Neighborhood Plan. Please see the City's Neighborhood Plans and Resources webpage for a copy of the recommended design guidelines.

Austin Transportation Department – Engineering Review

Transportation Assessment
Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

The parking space ratio for a cocktail lounge use is as follows:

- 1 space for every 100 square feet if the cocktail lounge is less than 2,500 sf;
- 1 space for every 50 square feet if the cocktail lounge is between 2,500 and 10,000 sf (as info, the existing two-story building is 4,060 sf (2,030 sf on each floor)
- 1 space for every 25 square feet if the cocktail lounge is over 10,000 square feet

The Austin Strategic Mobility Plan (ASMP) calls for 50 feet of right-of-way for W 31st Street. It is recommended that 2 feet of right-of-way from the existing centerline should be dedicated for W 31st Street according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

A traffic impact analysis is not required as the proposal does not exceed the thresholds established in the Land Development Code.

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.

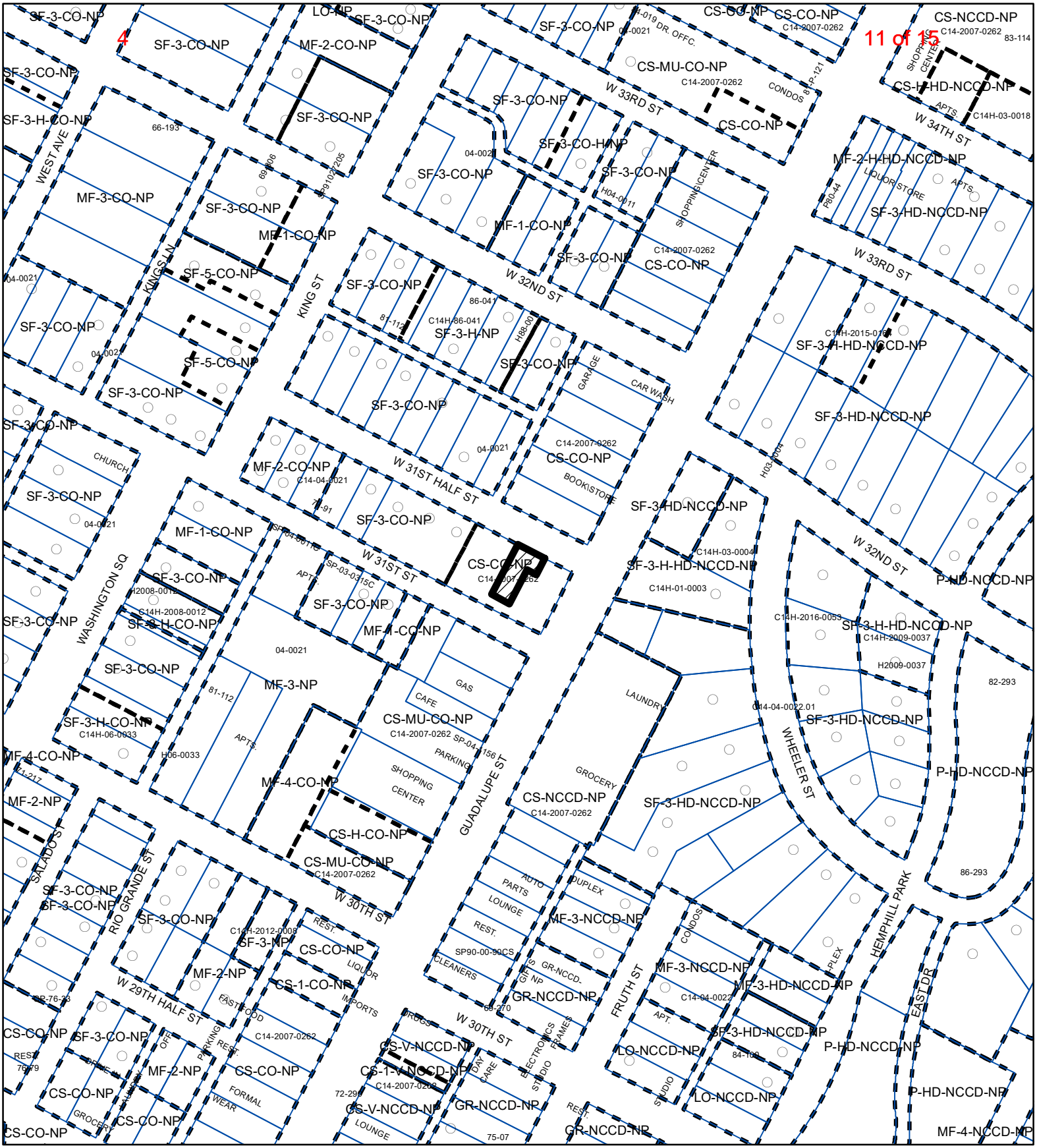
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

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 A-1: Aerial Map

Correspondence Received



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 200 '

ZONING Exhibit A

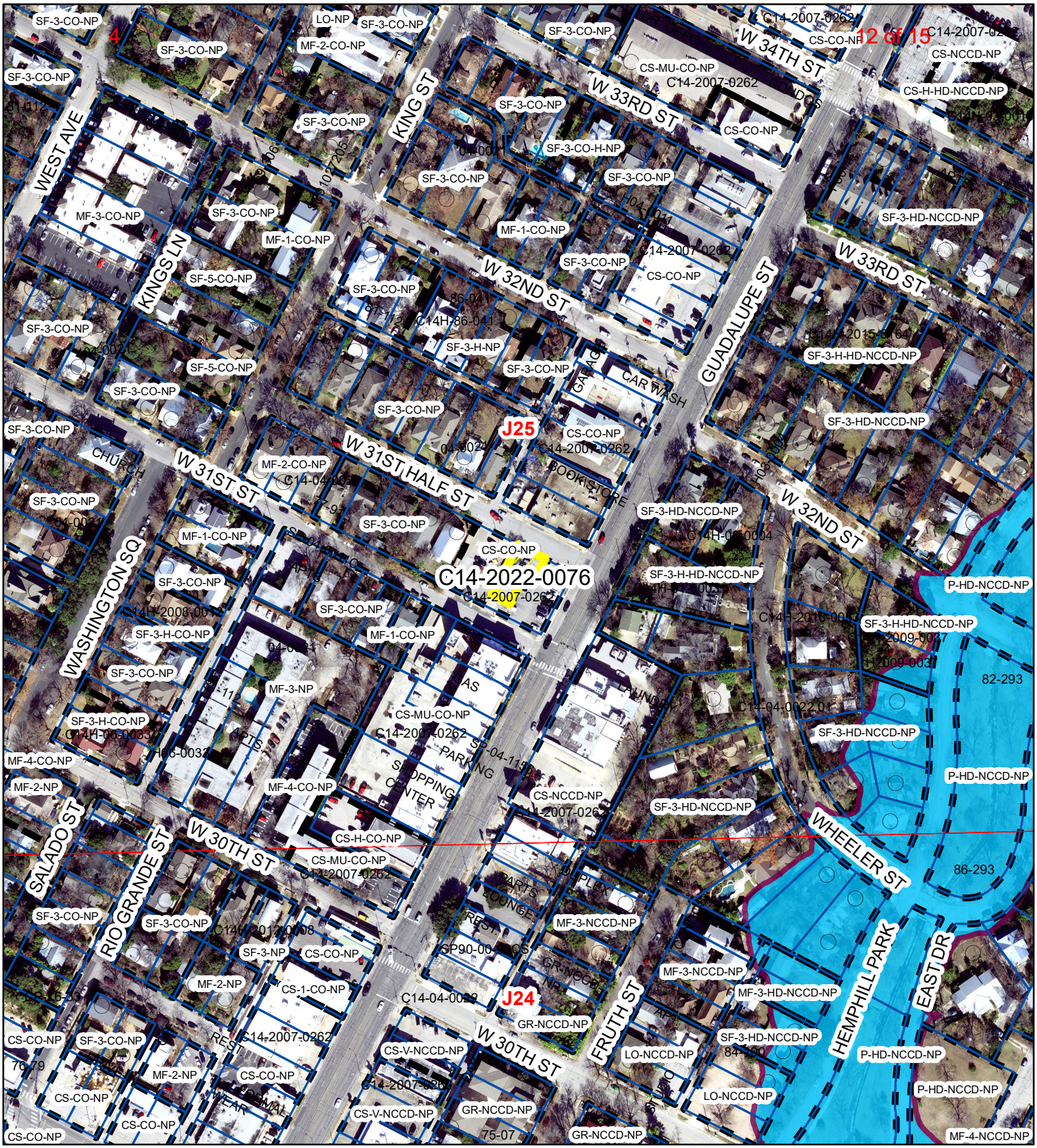
ZONING CASE#: C14-2022-0076

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

CITY OF AUSTIN FOUNDED 1839

Created: 6/13/2022



3100 Guadalupe

Exhibit A - 1

N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

1 " = 200 '

ZONING CASE#:	C14-2022-0076
LOCATION:	3100 Guadalupe St
SUBJECT AREA:	0.44 Acres
GRID:	J25
MANAGER:	Wendy Rhoades

CITY OF AUSTIN FOUNDED 1839

Created: 7/6/2022
by: MeeksS

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From:
To:
Cc: Rhoades, Wendy; Shaw, Todd - BC Re: Postponement Request
Subject: Friday, October 21, 2022 5:05:10 PM
Date:

*** External Email - Exercise Caution ***

The applicant does not object to this request. Hope everyone has a great weekend!

Amanda Swor

> On Oct 21, 2022, at 4:47 PM, Jay F wrote: >

> Ms Wendy Rhoades
> Zoning Case Manager
> Zoning and Planning Commission
> City of Austin
>
> Re: 3100 Guadalupe St. Case # C14-2022-0076 Rezoning of portion of the property from CS CO NP to CS-1 CO NP
>
> Dear Ms Rhoades:
>
> As a resident of Heritage Neighborhood Association and property owner here for over thirty years, I respectfully request postponement of the public hearing currently scheduled for Zoning and Planning Commission on Oct 25, 2022 to the Nov 16, 2022 Zoning and Planning meeting.
>
> The postponement request is the first such request in this case and is to allow time for residents to continue to work with the property owner's agent to seek compromises which would keep us from having to oppose the rezoning.
>
> Please let me know if you or your team members require additional information or have any questions.. Thank you for your time and attention to this project.
>
> Sincerely,
> Jay
>
> Jay Farrell, Architect
> 512 695-7245

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

Amanda Swor

512-807-2904

DRENNER GROUP

December 16, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: C14-2022-0076 - 3100 Guadalupe - Postponement request for the zoning application associated with the property located at 3100 Guadalupe, Austin, Texas (the "Property")

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully request a postponement of zoning case no. C14-2022-0076 on the December 20, 2022, Planning Commission agenda to the January 10, 2023, Planning Commission agenda. This postponement is to allow us time to continue working on our agreement with the Heritage neighbors regarding the proposed project.

Please let me know if you have any questions or if we can provide any additional information. Thank you for your time and attention to this matter.

Sincerely,

Amanda Swor
Drenner Group

cc: Wendy Rhodes, Housing and Planning Department *(via electronic delivery)*
Joi Harden, Housing and Planning Department *(via electronic delivery)*

Amanda Swor

512-807-2904

DRENNER GROUP

January 6, 2023

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: C14-2022-0076 - 3100 Guadalupe - Postponement request for the zoning application associated with the property located at 3100 Guadalupe, Austin, Texas (the "Property")

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully request a postponement of zoning case no. C14-2022-0076 on the January 10, 2023, Planning Commission agenda to the January 24, 2023, Planning Commission agenda. This postponement is to allow time for the Heritage neighbors to review our agreement regarding the proposed project.

Please let me know if you have any questions or if we can provide any additional information. Thank you for your time and attention to this matter.

Sincerely,

Amanda Swor
Drenner Group

cc: Wendy Rhodes, Housing and Planning Department *(via electronic delivery)*
Joi Harden, Housing and Planning Department *(via electronic delivery)*