

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0004 – Stout House Patio

DISTRICT: 4

ZONING FROM: CS-NP

ZONING TO: CS-1-NP

ADDRESS: 6406 N IH 35 Service Road SB Suite 1700

SITE AREA: 0.016 acres
(715 sq. ft.)

PROPERTY OWNER: LED-LINC-LLC

AGENT: Thrower Design, LLC (Ron Thrower & Victoria Haase)

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

The staff recommendation is to grant (CS-1-CO-NP). The conditional overlay will prohibit adult oriented business.

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 14, 2025: APPROVED THE STAFF RECOMMENDATION FOR CS-1-CO-NP.
*[A. AZHAR; D. SKIDMORE- 2ND] (11-0) A. HAYNES – OFF THE DIAS;
R. JOHNSON – ABSENT.*

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is 0.016 acres and is currently developed with parking spaces adjacent to the restaurant Another Broken Egg in the LINC shopping center. The site has access to both Middle Fiskville Rd (level 3) and IH 35 Frontage (Level 4) and is zoned general commercial – neighborhood plan (CS-NP). The property is in a the Linc shopping center which is mix of commercial uses and restaurants (CS-NP, CS-1-CO-NP, CS-MU-NP) to the north, south and east. To the west is the Cedars International Next Generation High School, Multifamily Residential and undeveloped property. (LI-PDA-NP and CS-MU-V-NP). **Please refer to Exhibits A (Zoning Map) and B (Aerial View).**

Staff is recommending the commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) combined district zoning for an outdoor patio that will be approximately 715 square feet in the LINC’s shopping center. The applicant agrees with staff’s alternate recommendation of CS-1-CO-NP.

BASIS OF RECOMMENDATION:

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

The commercial-liquor sales district is intended predominately 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 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 district denotes a tract located within the boundaries of an adopted neighborhood plan.

2. *Zoning should allow for reasonable use of the property.*

Staff recommends CS-1-CO-NP because the lot meets the intent of the CS-1 district as it is in the LINC shopping center with multiple other CS-1-CO-NP zonings. The applicant agreed with the alternate recommendation and the prohibited use on the property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-NP	Parking Lot
<i>North</i>	CS-NP & CS-1-CO-NP	Commercial Uses and Restaurant
<i>South</i>	CS-NP, CS-1-CO-NP and CS-MU-NP	Commercial Uses and Restaurant
<i>East</i>	CS-1-CO-NP & CS-NP	Commercial Uses and Restaurant
<i>West</i>	LI-PDA-NP and CS-MU-V-NP	Undeveloped, Multifamily Residential & School

NEIGHBORHOOD PLANNING AREA:

St. John/Cornado Hills Combined (St. John) Neighborhood Planning Area

WATERSHED: Tannehill Branch

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Reilly Elementary School

Webb Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Go Austin Vamos Austin – North
 Highland/Skyview Neigh. Plan Contact
 Team
 Homeless Neighborhood Association,
 Neighborhood Empowerment Foundation

North Austin Neighborhood Alliance
 SELTexas
 Save Our Springs Alliance
 Sierra Club
 Austin Regional Group
 St. John Neighborhood Assn.
 St. John Neighborhood Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0139– Archive Lounge	CS to CS-1	To Grant CS-1-CO as staff recommended (08-05-2008)	Approved CS-1-CO- as Zoning and Platting Commission Recommended (08-28-2008)
C14-2022-0028 Redleaf Highland - Tract 3	CS-MU-V-NP to LI-PDA-NP	To Grant LI-PDA-NP (03/28/2023)	Approved LI-PDA-NP as Planning Commission Recommended (05-18-2023)

RELATED CASES:

C14-2011-0115: St. Johns Neighborhood Planning Area Rezonings

NP-2011-0029: St. John/Coronado Hills Combined Neighborhood Plan

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 6406 N IH 35 SERVICE ROAD SB. C14-2024-0004.
 Project: Stout House Patio. St. John NP. Mixed Use FLUM. 0.16 acres from CS-NP to CS-1-
 NP. Existing: restaurant. Proposed: cocktail lounge.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: <ul style="list-style-type: none"> Within Highland Mall Station Regional Center
	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.

Y	Mobility and Bike/Ped Access * : Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk paths present internal to The Linc connect with sidewalk along Middle Fiskville Rd to the West side of the Rd.
Y	Connectivity, Good and Services, Employment * : Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Goods and Services present at The LINC
	Connectivity and Food Access * : Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education * : Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • Within 0.5 miles of Austin Community College: Highland
Y	Connectivity and Healthy Living * : Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> • 0.2 miles to the St. John Encampment Commons + UFCU Pavilion Park
Y	Connectivity and Health * : Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.) <ul style="list-style-type: none"> • 0.2 miles to Well Med at St. Johns clinic
	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.
	Housing Affordability * : Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use * : Provides a mix of residential and non-industrial uses.
Y	Culture and Creative Economy * : Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). <ul style="list-style-type: none"> • Within 0.1 miles of AFS Cinema Theater
	Culture and Historic Preservation : Preserves or enhances a historically and/or culturally significant site.
	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 in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land : Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
8	Number of “Yes’s”

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 Tannehill Branch 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.

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.

Fire: There are no comments.

PARD – Planning & Design Review:

Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. As of January 1, 2024, new commercial non-residential uses are not subject to parkland dedication requirements at the time of site plan and subdivision

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.

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

This tract is within the St. John Neighborhood Planning Area.

There is a site plan currently under review for this property SPC-2024-0021A which provides for 678,229.2 square feet of Cocktail Lounge uses, along with associated parking and drainage facilities.

Austin Transportation Department – Engineering Review:

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for Middle Fiskville Rd. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for Middle Fiskville Rd according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Middle Fiskville Rd	Level 3 (TXDOT)	80 feet	Approx 73 feet	Approx 60 feet	Approx 10 feet on one side of ROW	Yes	Yes
IH 35 Frontage	Level 4 (TXDOT)	TXDOT		Approx 35 feet	Approx 8 feet	No	Yes

Austin Water Utility:

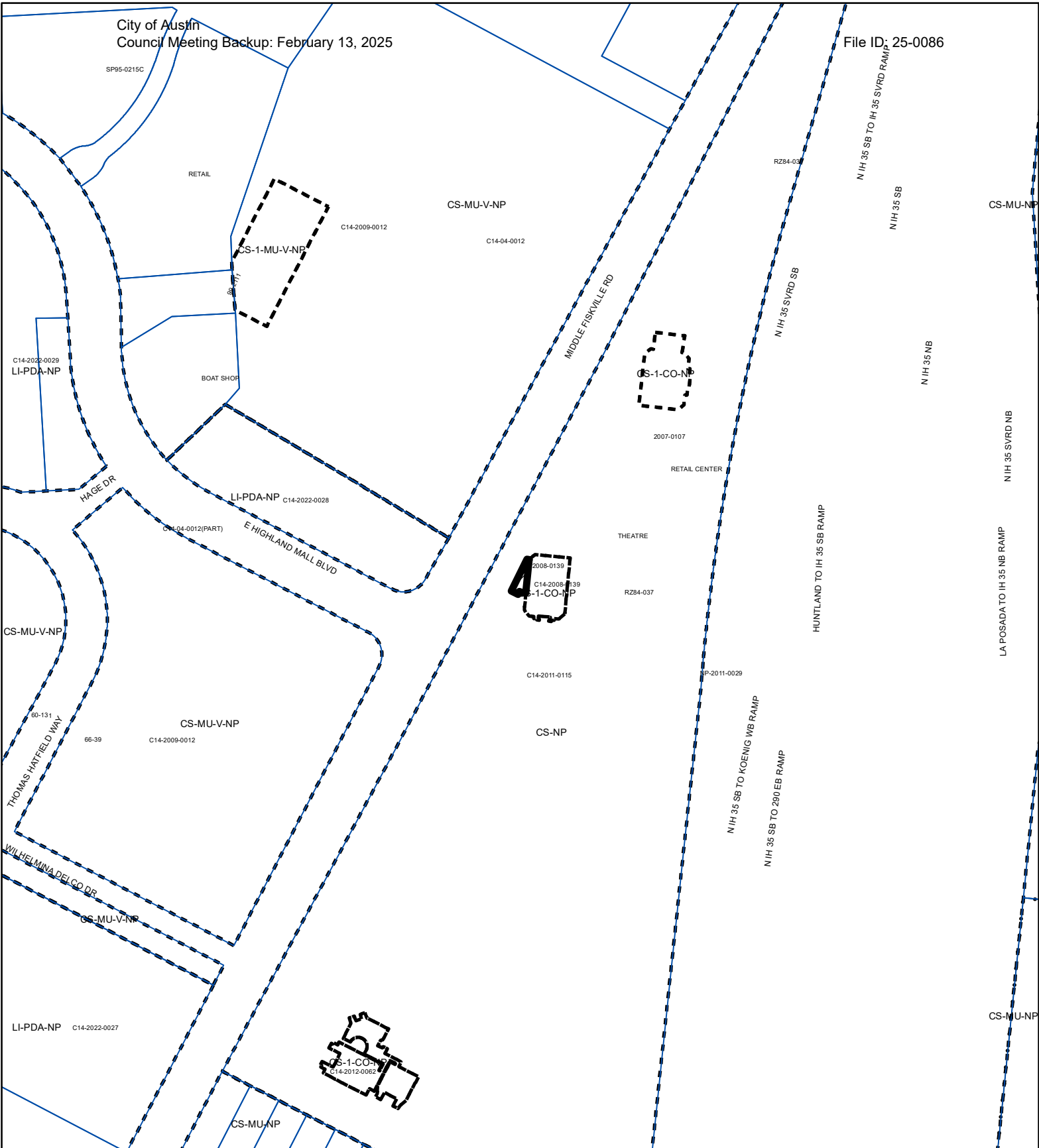
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant’s Summary Letter



ZONING

ZONING CASE#: C14-2024-0004






-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

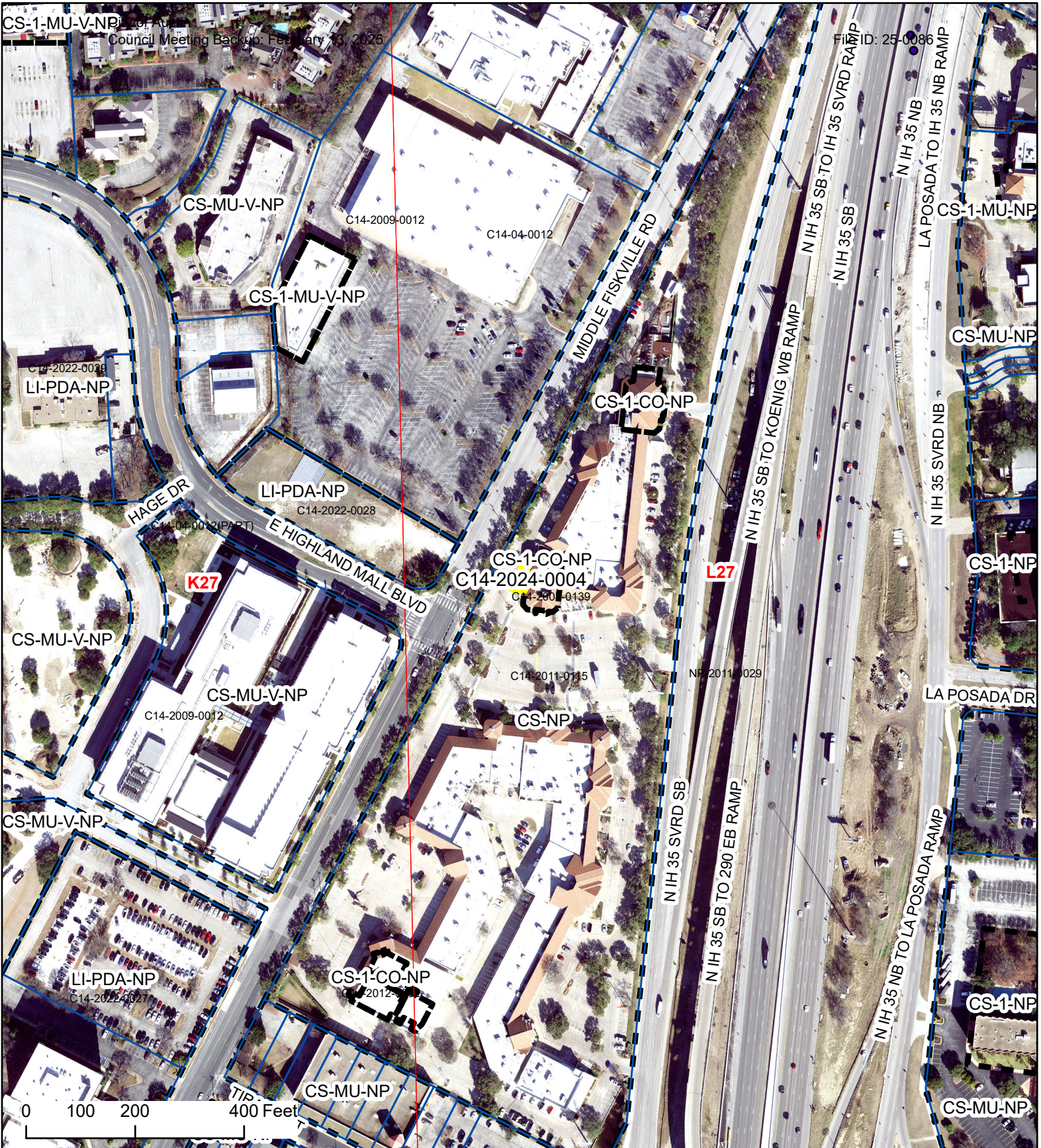
Exhibit A
1" = 200'

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



Created: 1/26/2024



Stout House Patio

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

CASE#: C14-2024-0004
 LOCATION: 6406 N IH 35 SvrD SB Suite 1700
 SUBJECT AREA: 0.16 Acres
 GRID: L27
 MANAGER: Cynthia Hadri





January 19, 2024

Mrs. Lauren Middleton-Pratt
Director, Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: Rezoning Application – Stout House Patio Rezoning – 6406 N IH35 – THE LINC Shopping Center

Dear Mrs. Middleton-Pratt:

On behalf of the Owner(s) of the property referenced above, we respectfully submit the enclosed Rezoning Application.

The whole property that contains the area of the rezoning is about 15.57 acres and consists of buildings with suites of various uses and can be referenced by RZ-84-037. The 15.57 acres is mostly zoned CS-NP with various “footprints” of CS-1-CO-NP. The requested zoning change is to expand the CS-1-CO-NP footprint, subject of zoning ordinance No. 20080828-097. This CS-1 expansion will allow for an outdoor patio with seating where cocktail beverages may be served and consumed by customers.

There is an associated, active CUP application to permit a cocktail lounge in Suite 1700 of the shopping center.

We respectfully request support for the requests made. Please contact our office should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,

A handwritten signature in black ink, appearing to be "V. Haase".

Victoria Haase
www.throwerdesign.com
512-998-5900 Cell
512-476-4456 Office