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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0176

**Z.A.P. DATE:** December 7, 2010

**ADDRESS:** 12636 Research Boulevard, Building C, Unit 109

**OWNER/APPLICANT:** Chi-Kao Hsu

**AGENT:** Hsu Equity, Inc. (Christina Hsu)

**ZONING FROM:** GR-CO     **TO:** CS-1

**AREA:** 0.57 acres (2,489 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant the applicant's request for CS-1, Commercial-Liquor Sales District, zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**DEPARTMENT COMMENTS:**

The property in question is currently a vacant suite in a commercial shopping center, which fronts U.S. Highway 183 North. The applicant is requesting CS-1 zoning because they would like to develop a cocktail lounge use within the existing retail center.

The staff is recommending the applicant's request for CS-1 zoning because the property in question meets the intent of the Commercial-Liquor Sales district. This tract of land fronts onto a major arterial roadway, Research Boulevard (U.S. Highway 183) and has access to Jollyville Road and the south bound service road for U.S. Highway 183. The proposed rezoning will be compatible with surrounding land uses as there are commercial and restaurant uses to the north, south, east and west of the site. The CS-1 district would allow the applicant to utilize vacant suite within an existing shopping center structure to allow for additional commercial uses on the site. More intensive commercial zoning is appropriate for a retail center located on a major retail highway within an area of concentrated commercial and retail development.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Vacant suite within existing retail center
<i>North</i>	LO	U.S. 183 North Bound Service Road, Driveway Entrance to Retail Center
<i>South</i>	LO, GR-CO	North Brooke Shopping Center: Sagiang Restaurant, Divine Nail/Beauty, Asian Spa, Yoga, Apartment Locating Office, Kung Fu & Self Defense
<i>East</i>	LO, GR-CO	North Brooke Shopping Center: Quick Print-Printing & Copying, American Cleaners, Oak Liquor Cabinet Liquor Sales, BB Rovers Café & Pub
<i>West</i>	LO, LR-CO	Office

**AREA STUDY:** N/A

**TIA:** Waived

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**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Monorail Project  
 Austin Parks Foundation  
 Bull Creek Foundation  
 Home Builders Association of Greater Austin  
 Homeless Neighborhood Association  
 Laurel Oaks Neighborhood Association League of Bicycling Voters  
 Long Canyon Homeowners Association  
 North Oaks Neighborhood Association  
 Sierra Club, Austin Regional Group  
 Spicewood Springs Road Tunnel Coalition  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0060	GR-CO to CS-1-CO	6/21/05: Postponed indefinitely at the applicant's request (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .  12/21/05: Case expired.	N/A
C14-99-0099	SF-3 to LI	6/29/99: Approved staff's alternate rec. of LI-CO, w/ 2,000 vtpd limit, by consent (8-0)	7/29/99: Approved PC rec. of LI-CO (6-0); all 3 readings
C14-98-0143	GR to CS-1	11/17/98: Approved LO (TR1) and CS-1-CO (TR2), prohibit Adult Oriented uses and limit development to 2,000 vtpd, by consent (9-0)	1/7/99: Approved PC rec. of LO (TR1) and CS-1-CO (TR2) w/conditions (7-0); 1 <sup>st</sup> reading  4/8/99: Approved retaining LO (TR1) and CS-CO on (TR2); (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-96-0144	I-SF-2 to CS	1/28/97: Approved staff alternate rec. of GR-CO, w/ 2,000 vtpd limit (7-0)	2/27/97: Approved PC rec. of GR-CO (7-0); 1 <sup>st</sup> reading  4/10/97: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0045	LO to CS-CO	6/7/94: CS not recommended (5-0)	7/14/94: Postponed for 6 months to January 1995 by applicant (7-0)  3/31/05: Case expired
C14-93-0053	SF-2 to GR	5/18/93: Approved GR (7-0)	5/20/93: Approved GR (7-0); all

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			3 readings
C14-92-0105	LO to LR	11/10/92: Approved LR-CO; prohibiting Consumer Repair Services, Consumer Convenience Services, Food Sales, General Retail Sales (Convenience), Off-site accessory parking, Personal Services, Pet Services, Restaurant (Limited), Service Station, College and University Facilities, and Guidance Services	12/3/93: Approved LR-CO on all 3 readings
C14-92-0045	SF-2 to GR-MU	7/7/92: Approved GR-MU	7/9/92: Approved GR-MU on all 3 readings
C14-90-0076	LO, GR, GR-CO	12/18/90: Approved GR-CO, permit all LR uses and Medical Offices, Restaurant (General), General Retail Sales (General), Communication Services, Personal Improvement Services, Business Support Services, and Business or Trade School, by consent (5-0)	1/10/91: Approved GR-CO (7-0); all 3 readings
C14-90-0058	GR to LI	11/6/90: Approved LI, subject to 150' of ROW reservation and condition that no vehicular access to the subject property shall be permitted from the adjacent residential zoned property, (5-0)	12/6/90: Approved LI-CO (6-0); 1 <sup>st</sup> reading  10/1/92: Approved LI-CO (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14R-86-230	LO to GR	11/25/86: Approved GR for a 4500 square foot building footprint for restaurant use only (8-0)	12/4/86: Approved GR on all 3 readings  2/26/87: Approved amending ordinance #861204-WW to correct address/legal description
C14R-86-136	LO, CS-1 to CS-1, GR	6/24/86: Approved CS-1 (TR1) and GR (TR2); (7-0)	6/26/86: Approved GR and CS-1 (7-0); 1 <sup>st</sup> reading  2/19/87: Approved CS-1 and GR (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-90-0076  
 C14R-86-0230  
 C14R-86-0136  
 C14-05-0060

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**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>
Research Boulevard (US Hwy 183)	Varies	Varies	Major Arterial
Jollyville Road	110'	60'	Arterial

**CITY COUNCIL DATE:** N/A

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

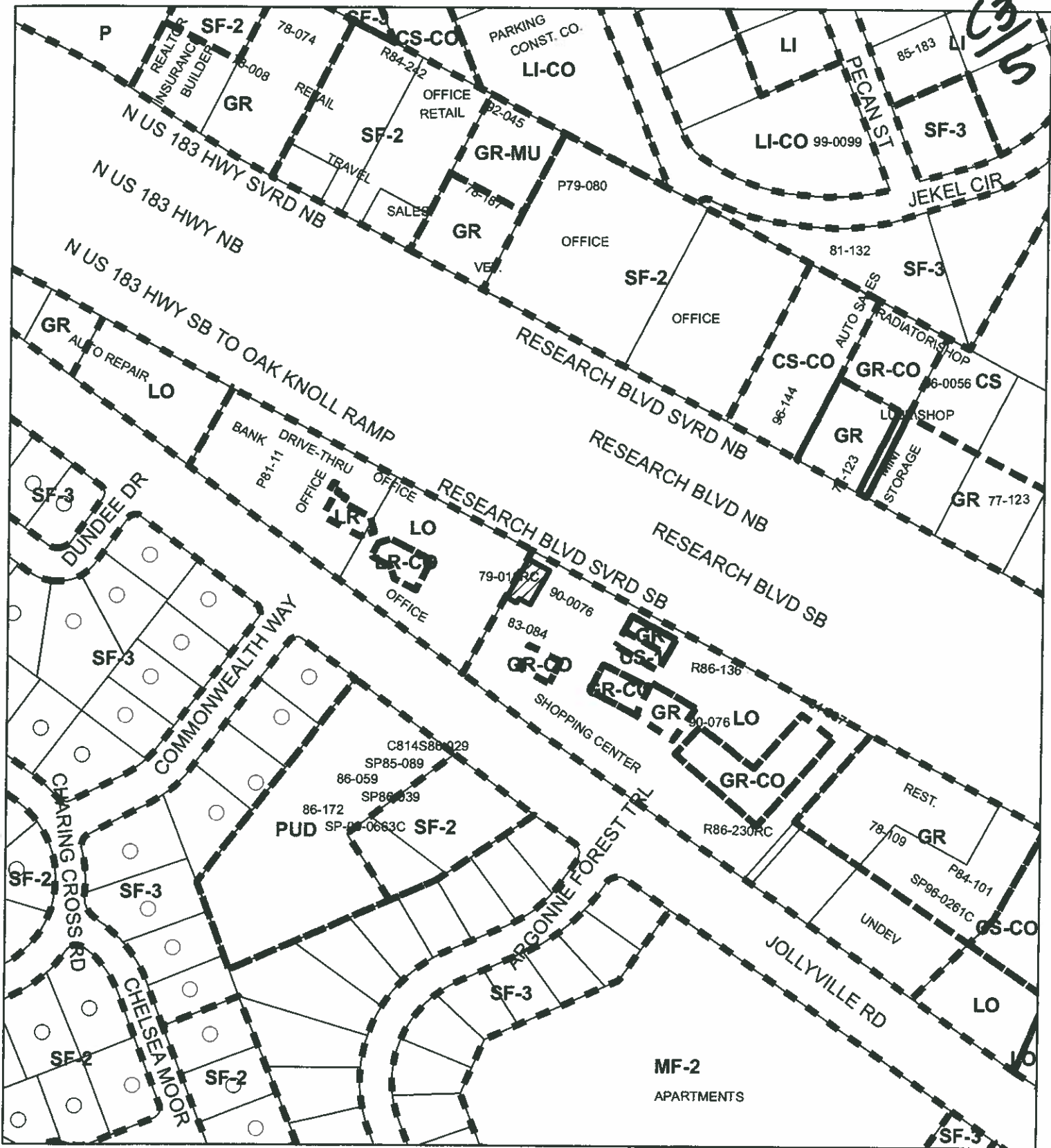
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)

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### ZONING



1' = 200'

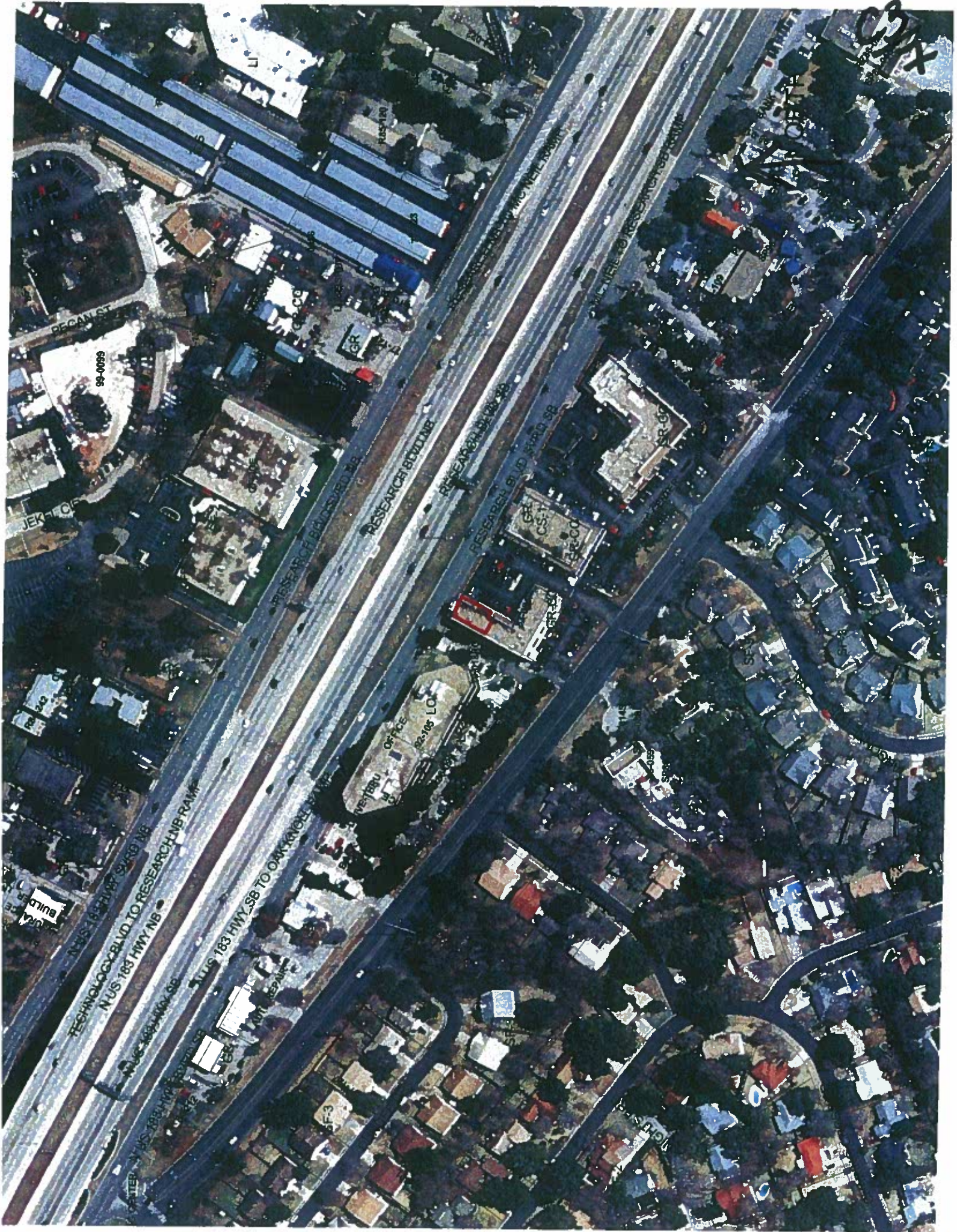
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

ZONING CASE#: C14-2010-0176  
 LOCATION: 12636 RESEARCH BLVD  
 SUBJECT AREA: 0.57 AC.  
 GRID: H36  
 MANAGER: S. SIRWAITIS



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.





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## STAFF RECOMMENDATION

The staff's recommendation is to grant the applicant's request for CS-1, Commercial-Liquor Sales District, zoning.

## BASIS FOR RECOMMENDATION

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

The Commercial-Liquor Sales (CS-1) district is intended for the development of a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

This tract of land is located with a retail center that takes access to two arterial roadways, U.S. Highway 183 North and Jollyville Road.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning will be compatible with surrounding land uses because there are commercial, retail and restaurant uses to the south and east of the site within this retail center.

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

The proposed re-zoning to the CS-1 district would allow the applicant to utilize a vacant suite within an existing retail shopping center to develop new commercial uses on the site.

## EXISTING CONDITIONS

### Site Characteristics

The site is a vacant suite in an existing retail center (North Brooke Shopping Center) fronting U.S. Highway 183 North. The retail center currently contains several Personal Services uses: a spa (US Spa), a tanning salon (Tan It All), a nail salon (Asian Spa), a hair salon (Divine Nail/Beauty); three Personal Improvement Services uses: a fitness studio (Pursuit Fitness), a yoga studio and a kung fu & self defense studio; five restaurants: (Dimassi's Mediterranean Buffet, Mongolian Grill, Sagiang Vietnamese Restaurant, BB Rovers Café & Pub, and a Pizza Hut); a liquor store (Oak Liquor Cabinet); a printing business (Quick Print); an insurance office; a dry cleaners (American Cleaners); a chiropractor's office; an eyewear sales business, and a video arcade (Arcade Amusement).

### Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within or adjacent to the project boundary.

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



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No trees are located on this property. 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.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

**Impervious Cover**

The maximum impervious cover allowed by the CS-1 zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the CS-1 zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

**Site Plan/Compatibility Standards**

The proposed use, cocktail lounge, would be a conditional use in the CS-1 zoning district, therefore be required to obtain a conditional use permit, through the site plan process.

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.

If this proposed use is expanded or converted from another use, the entire building must comply with current parking regulations. [Sec. 25-6-471(C)]

Parking areas serving a cocktail lounge must be separated from single-family areas by a minimum of 200 feet, unless it is located within an enclosed shopping mall. The Land Use Commission may waive or modify this requirement in conjunction with its review of the site plan. [Sec.25-5-146(B)]

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**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

**Transportation**

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Jollyville Road	100'	58'	Arterial (MAD4)	Not Available
US 183	330'	Varies	Freeway (FWY6)	173,000 (TXDOT, 2009)

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

There are no existing sidewalks along Jollyville Road or US 183.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or proposed along the adjoining streets as follows:

Street Name	Existing Bicycle	Proposed Bicycle
Jollyville Road	Bike Lane	Bike Lane
US 183	None	None

Capital Metro bus service (route no. 383) is available along US 183.

**Water and Wastewater**

The landowner intends to serve the site with water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

### 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:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/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: C14-2010-0176

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec. 7, 2010, Zoning & Platting Commission  
Jan. 13, 2011, City Council

Brett Milligan - Associate Pastor  
Your Name (please print)

I am in favor  
 I object

12675 Research Blvd - Christ Community Church  
Your address(es) affected by this application

Brett Milligan  
Signature

11/30/10  
Date

Daytime Telephone: 512-336-7000 ext 131

Comments: We are ok with our moving it to that location and have found to having new neighbors. However we want to make sure there will not be any "Adult Establishments" moving into the area. As a church we have children around our facilities on a regular basis and would not want them to be subjected to seeing that kind of establishment across the street.

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

City of Austin  
Planning & Development Review Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

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FAX (512) 974-1054