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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2011-0112 – 6607 – CS-1

**P.C. DATE:** October 11, 2011

**ADDRESS:** 6607 North IH 35 Service Road Northbound

**OWNER:** WC 6607 North IH 35, LP  
(Nate Paul)

**AGENT:** Jim Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** CS

**TO:** CS-1

**AREA:** 0.352 acres  
(15,333 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay limits the number of vehicle trips to no more than 2,000 per day.

### **PLANNING COMMISSION RECOMMENDATION:**

October 11, 2011:

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject property has driveway frontage on the northbound IH 35 service road and is zoned general commercial services (CS) district. The property contains a vacant restaurant (general) use and adjoining parking areas. Restaurant and hotel uses surround the property to the north, east and south (CS, CS-1). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes commercial – liquor sales (CS-1) zoning in order to convert the building and adjacent parking areas to a cocktail lounge use. A conditional use site plan (CUP) for the cocktail lounge use is a subsequent step in the development process.

Staff supports CS-1 for the subject developable area of the site, similar to other footprints of CS-1 zoning along the IH 35 service road. The remainder of the site would retain CS zoning. The rezoning area is located within a commercial area, has access to an arterial roadway, and adjacent to compatible zoning and uses.

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**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	CS	Vacant restaurant general use and parking areas
North	CS; CS-1	Restaurants; Hotels with cocktail lounge use
South	CS; CS-1	Restaurants; Hotels with cocktail lounge use
East	CS	Hotels
West	N/A	Service road and main lanes of IH 35

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHEDS:** Tannehill Branch;  
Buttermilk Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- 283 – North Austin Neighborhood Alliance
- 342 – Edward Joseph Developments, Ltd.
- 511 – Austin Neighborhoods Council
- 742 – Austin Independent School District
- 786 – Home Builders Association of Greater Austin
- 938 – St. John’s Advisory Board
- 964 – St. John Neighborhood Association
- 1037 – Homeless Neighborhood Association
- 1069 – Resident Council of Spring Terrace Association
- 1075 – 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

**SCHOOLS:**

- Pickle Elementary School
- Webb Middle School
- Reagan High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0037.SH – Hearthside (Smart Housing) – 7101 N IH 35 Service Road Northbound	LI; CS to CS- MU	To Grant CS-MU-CO with CO for 2,000 trips	Approved CS-MU-CO as Commission recommended (6-9- 05).
C14-91-0094 – Employers Insurance Building – 6320 La Calma	CS to LI	To Grant LI-CO	Approved LI-CO with the CO allowing light manufacturing and all CS uses that are

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Drive			allowed in LI with a Restrictive Covenant for a rollback to CS if a light manufacturing use is discontinued for more than 90 days or if the Code is amended to include a "high tech" use (3-26-92).
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**RELATED CASES:**

The property is platted as Lot 1C, Block A of the Amended Plat of Lot 1B, La Costa Phase Two, Section One-D and La Costa Phase Three, a Resubdivision of Lots 4 and 5, La Costa Phase Two, Section One-A and Lots 1A and 1C, La Costa Phase Two, Section One-D, recorded in February 1996 (C8-95-0189.0A). The site plan for the restaurant use that previously occupied this property was approved in March 1996 (SP-95-0351C). Please refer to Exhibits B and C.

The subject property is located within the St. John Neighborhood Planning Area. The neighborhood plan and rezonings are scheduled for public hearings at the Planning Commission and City Council in late-November 2011 (C14-2011-0115).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	ADT
North IH-35	Varies	MAD-8	Freeway	220,000
E. St. John's Avenue	86 feet	MNR-4	Minor Arterial	8,826

- East St. John's Avenue is classified in the Bicycle Plan as Bike Route No. 18. North IH-35 is classified as Bike Route No. 421.
- Capital Metro bus service (Routes No. 300, 320 and 339) is available along East St. John's Avenue. Capital Metro bus service (Routes No. 135, 142, 651, 684, 935, & 984) is available along North IH-35.
- There are existing sidewalks along North IH-35 and East St. John's Avenue.

**CITY COUNCIL DATE:** November 10, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

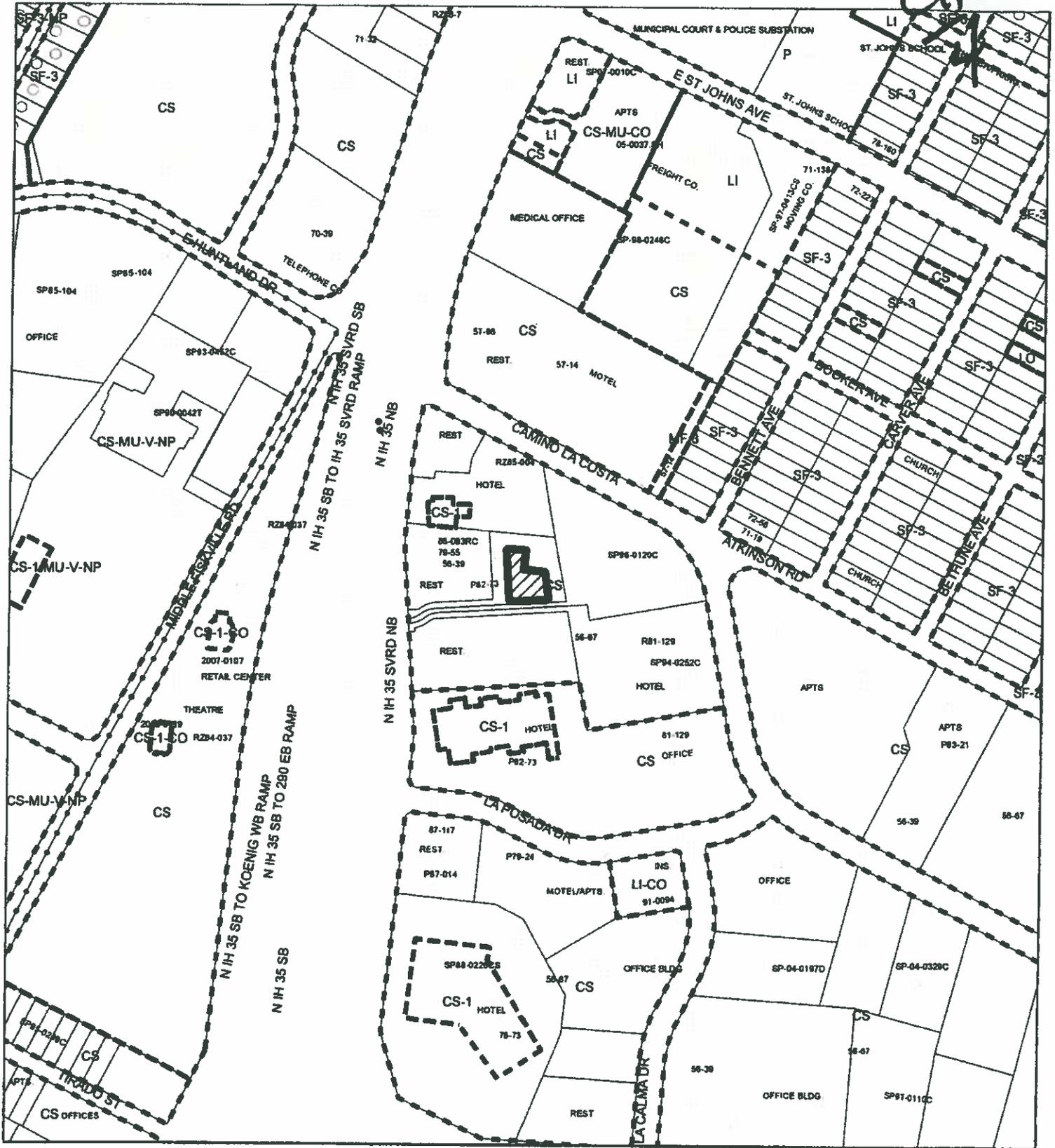
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 974-7719



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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**

*Exhibit A*

ZONING CASE#: C14-2011-0112



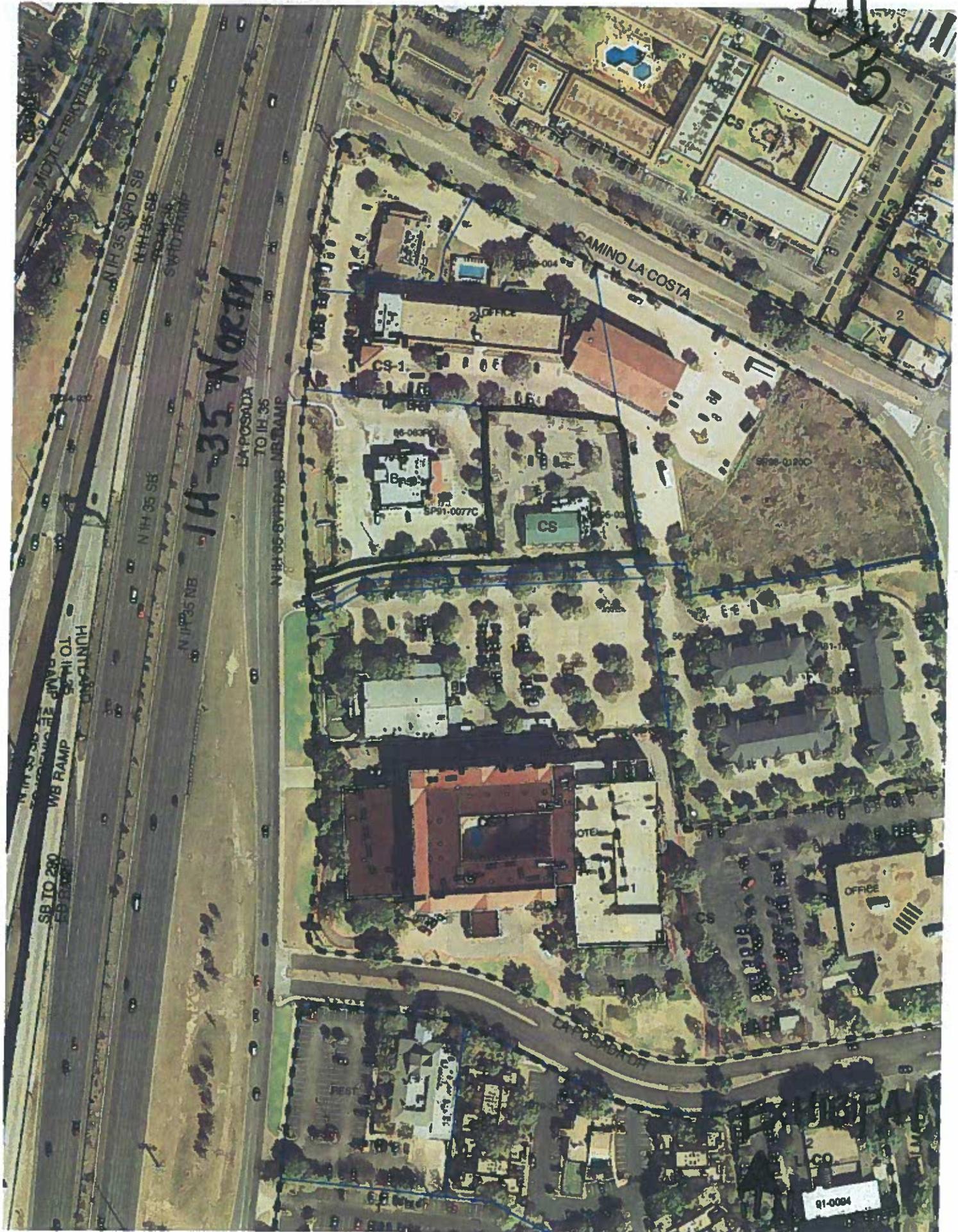
1" = 400'

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



CA 15



14-35 North

CAMINO LA COSTA

LA POSADA TO IH 35  
N IH 06 SW RD AS NB RAMP

SB TO 280  
FB RAMP  
N IH 35 SB  
TO I-35  
WB RAMP  
N IH 35 NB  
TO I-35  
SB RAMP

OFFICE

SP11-0077C

OTE

OFFICE

91-0084





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/8**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay limits the number of vehicle trips to no more than 2,000 per day.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff supports CS-1 for the subject developable area of the site, similar to other footprints of CS-1 zoning along the IH 35 service road. The remainder of the site would retain CS zoning. The rezoning area is located within a commercial area, has access to an arterial roadway, and adjacent to compatible zoning and uses.

**EXISTING CONDITIONS****Site Characteristics**

The rezoning area is a vacant restaurant and adjoining parking area. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district is 95%, a consistent figure between the *zoning and watershed* regulations. The maximum impervious cover shown on the approved site plan for the restaurant that previously occupied this property is 81 percent.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch and Buttermilk Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. 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.

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

#### **Transportation**

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

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

#### **Water and Wastewater**

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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

#### **Site Plan and Compatibility Standards**

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission.

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Provide certified field notes and defined boundaries of the proposed CS-1 zoning footprint, as only the boundaries of the existing structure should be zoned CS-1.

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