

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0148 (14028 N. U.S. 183 Rezoning) **Z.A.P. DATE:** January 15, 2013

ADDRESS: 14028 North U.S. Highway 183

OWNER/APPLICANT: Dan Wheat

AGENT: Thrower Design (A. Ron Thrower)

ZONING FROM: GR **TO:** CS-1 **AREA:** 0.090 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to approve CS-1, Commercial-Liquor Sales District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

1/15/13: Approved CS-1-CO zoning, with conditional overlay to prohibit Adult Oriented Businesses, by consent (6-0, P. Seeger-absent); G. Rojas-1st, S. Compton-2nd.

DEPARTMENT COMMENTS:

The property in question is a part of a large tract of land located at the southwestern intersection of Lake Line Boulevard and U.S. Highway 183 North. The applicant is requesting a footprint of CS-1 zoning because they would like to construct a liquor store within a developing retail center. The Commercial-Liquor Sales zoning district is the appropriate designation for a property located at the intersection of two arterial roadways within an area of intense commercial and retail development (Lakeline Mall).

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 an arterial roadway, Research Boulevard (North U.S. Highway 183). The proposed rezoning will be compatible with surrounding commercial uses and zoning. More intensive commercial zoning is appropriate for a retail center located at the intersection of two major retail highways within an area of concentrated commercial and retail development.

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Retail/Food Sales (HEB Plus, Developing Shopping Center)
<i>North</i>	GR, GR-MU-CO	Undeveloped Tract, Condominiums (La Costa at Lakeline Condos)
<i>South</i>	GR, CH	Developing Retail Center (Lakeline Market: Steinmart, etc.), Serranos Restaurant, Homestead Shopping Center
<i>East</i>	GR-CO	Developing Retail Shopping Center, U.S. Highway 183 Southbound Service Road
<i>West</i>	GR, CH	Undeveloped, Lakeline Mall

AREA STUDY: N/A

TIA: Not Required

WATERSHED: Buttercup Creek, Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
Austin Monorail Project
Home Builders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
SELTEXAS
Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0080 (Lakeline Hotel: 11225 Pecan Park Boulevard)	GR to CH	5/20/08: Approved staff's recommendation for CH district zoning by consent (7-0, J. Martinez- absent); K. Jackson- 1 st , T. Rabago-2 nd .	7/24/08: Approved CH district zoning by consent (5-0, Code and Shade-off the dais)
C14-2007-0215 (Lakeline Riviera Zoning: 2920 ½ South Lakeline Boulevard)	MF-3to GR- MU	11/20/07: Approved staff's recommendation of GR-MU-CO zoning, with CO for 2,000 vtlpd, by consent (7-0, S. Hale-absent)	12/13/07: Approved GR-MU-CO zoning by consent (6-0, McCracken- off dais); all 3 readings
C14-2007-0046 (Wolf Hester Tract: 14000 U.S. Highway 183 North)	DR to GR	6/05/07: Approved GR-CO with condition to prohibit Pawn Shops by consent (7-0, S. Hale, J. Martinez-absent); J. Pinnelli- 1 st , J. Shieh-2 nd .	6/26/08: Approved GR-CO by consent on all 3 readings (6-0); J. Kim-1 st , B. Dunkerely-2 nd .
C14-03-0046 (Northfork Plaza: 13945 U.S. Highway 183 North)	DR to GR	3/25/03: Approved staff's recommendation of GR zoning by consent (7-0, K. Jackson-not yet arrived, J. Martinez-absent)	4/24/03: Granted GR on all 3 readings (6-0-1, Garcia-absent)
C14-95-0146	MF-3 to GR	4/02/96: Approved staff rec. of GR by consent (7-0)	7/11/96: Approved GR (7-0); 1 st reading 6/26/97: Approved GR (7-0); 2 nd /3 rd readings

RELATED CASES: C14-95-0146 (Previous Zoning Case)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
US 183	400'	Varies	Arterial	58,000 ('00)
Lakeline Boulevard	120'	2@40'	Arterial	

CITY COUNCIL DATE: February 14, 2013

ACTION:

ORDINANCE READINGS: 1st

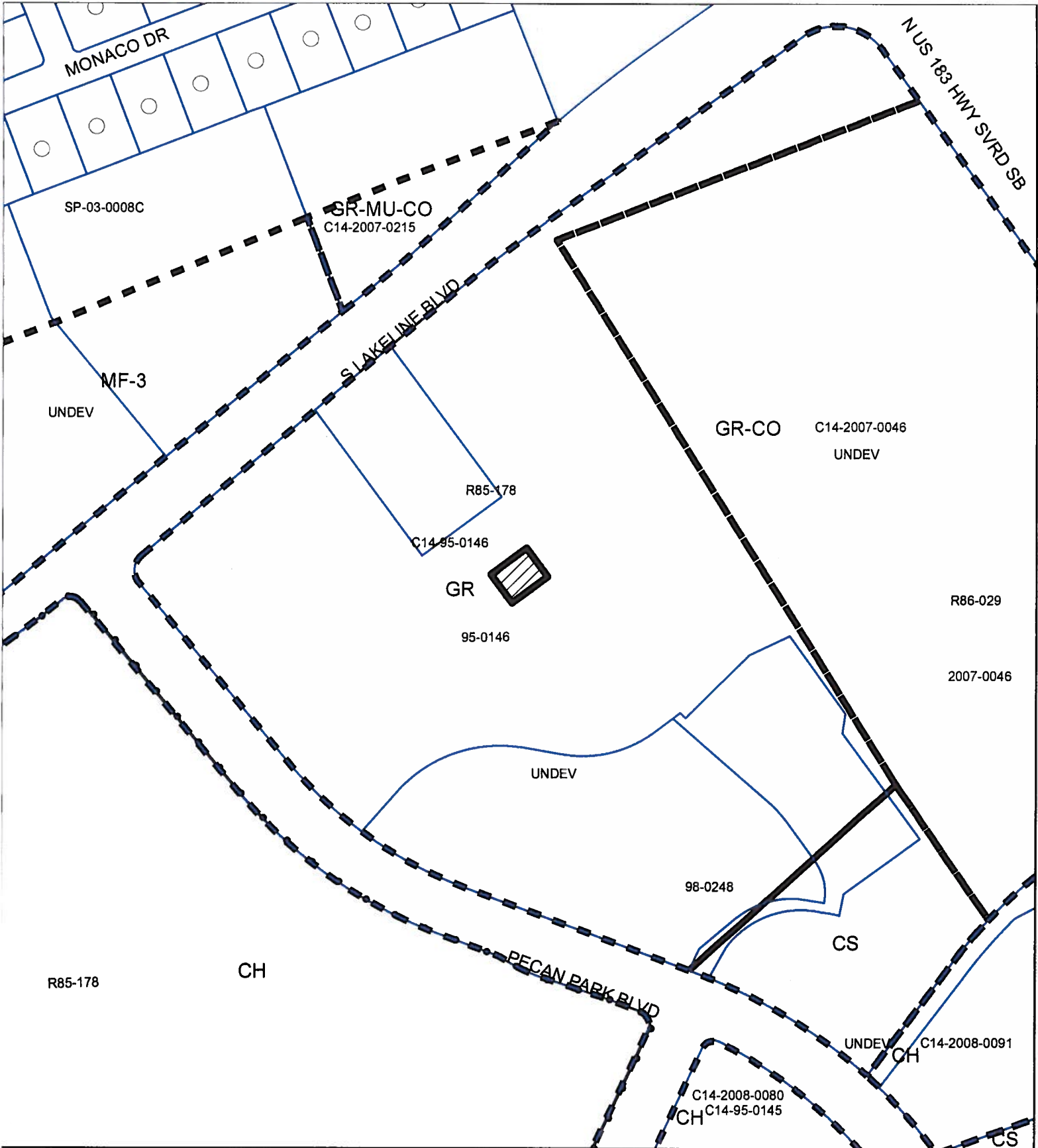
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2012-0148



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.

1" = 200'



STAFF RECOMMENDATION

The staff's recommendation is to approve 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.*

Commercial-liquor sales (CS-1) district is the designation for 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.

2. *The proposed zoning should promote consistency and orderly planning.*

CS-1 zoning will promote consistency and orderly planning as it will be compatible with surrounding commercial uses. The property in question is surrounded by retail sales, food sales, and restaurant uses. There is GR, GR-CO, CS and CH zoning adjacent to the property in question.

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.*

The property in question is located at the intersection of two arterial roadways, South Lakeline Boulevard and North U.S. Highway 183.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is part of a large developing tract of land located at the southwestern intersection of Lakeline Boulevard and U.S. Highway 183 North. The property to north consists of an undeveloped tract and across Lakeline Boulevard there is a condominium complex. To the west, there is developing retail shopping center (HEB Plus, etc.) and the southbound service road for U.S. Highway 183 North. The property to the east is a concentration of retail sales uses (Lakeline Mall). To the south, there is a developing retail shopping center (Lakeline Market), a Serranos Restaurant and the Homestead Shopping Center.

Comprehensive Planning

This zoning case is located on the west side of US Hwy 183 (north). The property is vacant and the proposed use is liquor sales. This rezoning is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a single family house to the north, vacant land to the south, vacant land and Lakeline Mall to west, and US Hwy 183 to the east.

The property is located within the boundaries of a 'Regional Center', as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are and will be the retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region

will be located. The densities, buildings heights, and overall character of a center will vary depending on location. Regional centers will range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development:

- **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 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.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based on the property being located within the boundaries of a Regional Center; adjacent to US Hwy 183; and the Imagine Austin policies referenced above, staff believes that the proposed commercial use is consistent with the Imagine Austin Comprehensive Plan.

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Buttercup 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 floodplain 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.

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.

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 zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. 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 Comments

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

Additional comments will be provided upon site plan submittal.

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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

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

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Lakeline Boulevard	100	MAD 4	Arterial	No	Yes	Yes
Pecan Park Boulevard	90	64'	Collector	No	Yes	No

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. The water and wastewater utility plan 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.

Sirwaitis, Sherri

From: Pacillio, Mike <Mike.Pacillio@NAProperties.com>
Sent: Tuesday, December 18, 2012 5:32 PM
To: Sirwaitis, Sherri
Cc: milo@barshop-oles.com; Morris, Mark; Nick.Rabin@NAProperties.com
Subject: Zoning Case # C14-2012-0148

We own the 46 acres across Pecan Park Blvd to the west of the subject property in the Lakeline Market Shopping Center. We are in favor of the proposed zoning change that would allow commercial liquor sales at this location.

Thank you.

Michael L. Pacillio
Partner, As Agent for NAP Lakeline I and II, L.P.
North American Properties
4956 North O'Connor Road
Irving, Texas 75062
Direct Office: 972-374-5270
www.naproperties.com

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.austintexas.gov

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: C14-2012-0148

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jan 15, 2013, Zoning and Platting Commission

Feb 14, 2013, City Council

North American Properties / Mark Morris

Your Name (please print)

2829 E 2801 S. Lake Line Blvd

Your address(es) affected by this application

Mark Morris - Agent for North American Properties 1/2/13

Signature

Date

Daytime Telephone: 772 374-5272 972 839-1196 Cell

Comments: North American Properties currently owns 46.7 Acres ADJACENT to subject location AND CONSIDERS the PROPOSED USE AS A COMPLIMENT to our development plan

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