

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2013-0076  
Rogers Juice Bar

**Z.A.P. DATE:** August 20, 2013  
August 6, 2013

**OWNER/AGENT:** Auspicious Investments, LLC (Jason Jagoda)

**ADDRESS:** 5201 Rogers Lane

**ZONING FROM:** SF-2      **TO:** LR      **AREA:** 0.235 Acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. The recommended conditional overlay would prohibit the following land use: service station. The conditional overlay would also require that vehicular trips be limited less than 300 per day, and no vehicular access be taken from FM 969. The Applicant supports the Staff recommendation.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

August 20, 2013: *RECOMMENDED TO APPROVE STAFF RECOMMENDATION WITH THE ADDITIONAL CONDITION: DRIVE THROUGH SERVICES TO BE PROHIBITED. (4-I-2); P. SEEGER- 1<sup>ST</sup>, G. ROJAS- 2<sup>ND</sup>, S. COMPTON- NAY; (R. MC DANIEL, C. BANKS-ABSENT).*

August 6, 2013: *RECOMMENDED TO POSTPONE TO AUGUST 20, 2013, ZAP AGENDA. DIRECT STAFF TO RESEARCH REGULATORY PROCESSES RELATED TO POTENTIAL ARCHAEOLOGICAL SITES (7-0-1; J. MEEKER- 1<sup>ST</sup>, S. COMPTON- 2<sup>ND</sup>; B. BAKER, C. BANKS-ABSENT).*

### **ISSUES:**

A nearby property owner raised concerns that historically significant archaeological artifacts may be located on the subject tract. ZAP Commissioners asked Staff provide any information about City of Austin regulation and/or review of such features. Staff has confirmed that the State of Texas is responsible for determination and evaluation of potential archaeological sites. As of this date, no documentation can be confirmed of artifacts on the subject property.

The nearby property owner also raised concerns regarding vehicular access to FM 969 and traffic generation. Staff recommends a conditional overlay that would prohibit driveway access to FM 969; vehicles would enter the highway via one or both of the existing roadways that border the subject property, Rogers Loop and Rogers Lane. The conditional overlay would also require that vehicular trips be limited less than 300 per day. The Applicant supports the Staff recommendation.

### **DEPARTMENT COMMENTS:**

The subject property is located on the north side of FM 969, east of Johnny Morris Road and west of Decker Lane. The SF-2 property is currently undeveloped but appears to be used for automobile storage. Immediately to the north are SF-2 properties that are used for residences. Across Rogers Lane to the west is a SF-2 lot that appears to be used as a limited warehousing land use. Across Rogers Loop to the east is an undeveloped property that is also zoned SF-2. To the south across FM 969 is a property zoned SF-2 and used as residential, as well as a property zoned SF-3 that used as civic by the Travis County Criminal Justice Department. (Exhibit A- Zoning Map)

Although the properties immediately surrounding the subject property are zoned residential, there are several tracts nearby along FM 969 with commercial and industrial zoning, with categories including LR, GR-CO, CS, LI, and CS-1. A CS zoned property that is used for construction sales and services is located approximately 300 feet from the subject property across FM 969. Immediately west of the CS property is a property zoned LR and CS-1 that is used as a service station and convenience store (liquor sales). Also within 500-600 feet of the subject property are properties zoned GR-CO and LR, which are used for automotive sales and service station/

convenience store (liquor sales), respectively. Other commercial and industrial zoned properties are also located in this stretch between Johnny Morris Road and Decker Lane. (Exhibit B- Aerial Map)

The Applicant has agreed to support the LR-MU-CO zoning that is recommended by Staff. Staff does not recommend vehicular access to FM 969 due to the limited distance between Rogers Lane and Rogers Loop, Since Rogers Lane and Rogers Loop are classified as neighborhood collectors, the Applicant has agreed to limit vehicular trips to 300 per day. Staff recommends that service station land use be prohibited due to traffic generation, lot size, access issues, and the proximity to two service stations within 500-600 feet.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>    |
|--------------|---------------|---------------------|
| <i>Site</i>  | SF-2          | Undeveloped         |
| <i>North</i> | SF-2          | Residences          |
| <i>South</i> | SF-2, SF-3    | Residence, Civic    |
| <i>East</i>  | SF-2          | SF-2                |
| <i>West</i>  | SF-2          | Limited warehousing |

**AREA STUDY:** N / A

**TIA:** N/A

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:** FRS Property Owners Association

**SCHOOLS:** Manor ISD

**CASE HISTORIES:**

| <b>NUMBER</b> | <b>REQUEST</b>                             | <b>COMMISSION</b>  | <b>CITY COUNCIL</b>   |
|---------------|--|--|---|
| C14-2007-0101 | DR, I-RR to GR-CO, IP-CO                   | 8/21/2007: ZAP Approve on consent (7-0); prohibit gen. warehousing/distribution; <2,000 v.p.d. | 9/27/2007: Approve on consent as recommended by ZAP (5-0) All 3 readings  |
| C14-06-0201   | DR to CS-1*<br>*Amended to MH<br>3/30/2007 | 11/21/2006: ZAP Approved Staff rec. of CS-CO   | 1/11/2007: Approved ZAP rec. of CS-CO, 1 <sup>st</sup> reading (7-0)<br>6/29/2007: Approved MH zoning, 2 <sup>nd</sup> & 3 <sup>rd</sup> readings (7-0) |
| C14-05-0020   | SF-3 to LR                                 | 04/05/05: Approved Staff rec. of LR-CO for Tract 1, GO-CO for Tract 2 by consent (9-0)         | 05/12/05: Approved of LR-CO for Tract 1; GO-CO for Tract 2, with limit of < 2,000 v.p.d.  |

**ABUTTING STREETS:**

| <b>Name</b> | <b>ROW</b> | <b>Pavement</b> | <b>Class</b>                      | <b>Sidewalk?</b> | <b>Bus Route?</b> | <b>Bike Route?</b> |
|-------------|------------|-----------------|-----------------------------------|------------------|-------------------|--------------------|
| FM 969      | 117'       | 66'             | Major Arterial<br>Divided 4 Lanes | No               | No                | Yes                |
| Rogers Lane | 50'        | 20'             | Local<br>Residential              | No               | No                | No                 |
| Rogers Loop | 80-85'     | 16'             | Local<br>Residential              | No               | No                | No                 |

**CITY COUNCIL DATE:** August 29, 2013

**ACTION:**

**CASE MANAGER:** Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 974-2122

**SUMMARY STAFF RECOMMENDATION:**

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

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

The Applicant proposes to develop the property with a small (+/- 800 square foot) limited restaurant land use. LR is the most restrictive zoning category that permits this use.

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

LR is a suitable zoning category for this location on major highway that backs up to a residential area. The subject property is no longer suitable for traditional residential development, as FM 969 transitions from a rural highway to a commercial corridor.

**Environmental**

1. The site is not 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. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

2. According to floodplain maps there is no floodplain within or adjacent to the project boundary.

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

4. 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.

5. 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.

6. 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.

**Site Plan**

SP 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.

SP 2. The site is subject to compatibility standards. Along all property lines, the following standards apply:

- No structure may be built within 25 feet of the property line of residential used or zoned land.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line of residential used or zoned land.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line of residential used or zoned land.

- d. No parking or driveways are allowed within 25feet of the property line of residential used or zoned land.
- e. A landscape area at least 25feet wide is required along the property line of residential used or zoned land. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining residential properties from views of parking, mechanical equipment, storage, and refuse collection.

SP 3. Additional design regulations will be enforced at the time a site plan is submitted.

### **Transportation**

- TR1. No additional right-of-way is needed at this time.
- TR2. A Neighborhood Traffic 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 300 vehicle trips per day.
- TR3. 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]
- TR4. If the requested zoning is granted, it is recommended that access to FM 969 be prohibited as a condition of zoning due to proximity of existing intersections, and the site has access to adjacent local streets.
- TR5. Existing Street Characteristics:

| Name        | ROW    | Pavement | Classification                 | Daily Traffic        |
|-------------|--------|----------|--------------------------------|----------------------|
| FM 969      | 117'   | 66'      | Major Arterial Divided 4 lanes | 25,000 (TxDOT '2011) |
| Rogers Lane | 50'    | 20'      | Local Residential              | NA                   |
| Rogers Loop | 80-85' | 16'      | Local Residential              | NA                   |

- TR6. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are recommended along FM 969. (Route no. 44)

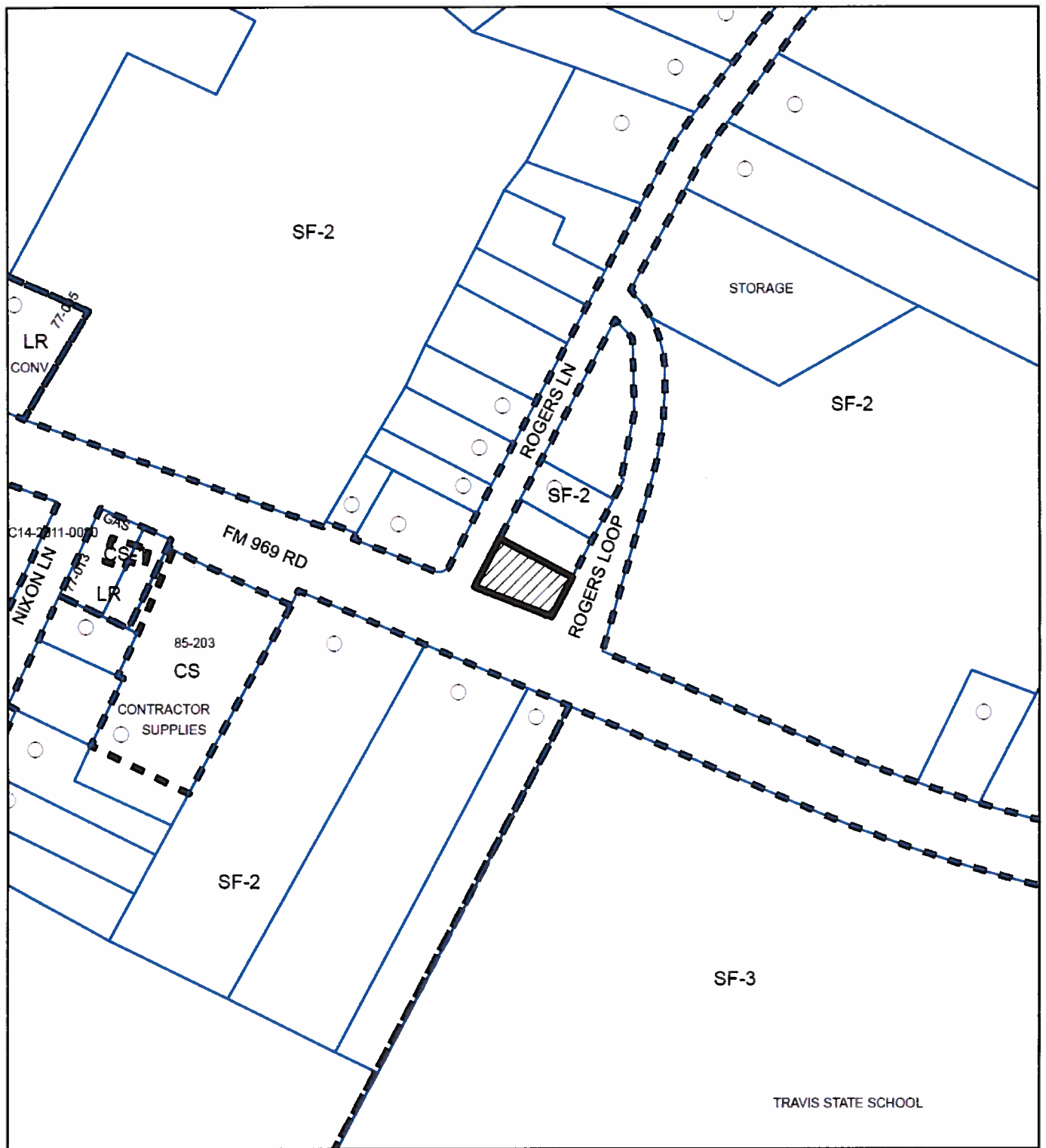
### **Comprehensive Planning**

The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve 'complete communities' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies FM 969 Road as an 'Activity Corridor'. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor.

This area of Austin has a scarcity of neighborhood commercial uses to serve nearby residential land uses. Based on the proposed commercial use: (1) being located adjacent to an arterial road that is identified as an 'Activity Corridor', which is intended to provide a variety of activities and services, including restaurants; (2) the proposed use that would contribute towards making this area a 'complete community' by providing neighborhood services; and (3) supporting the IACP policies, which supports a mix of local-serving retail and neighborhood services to nearby residents, staff believes that this project is supported by the Imagine Austin Comprehensive Plan.

### **Water and Wastewater**

WW1. 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. 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.



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 200'

## ZONING

ZONING CASE#: C14-2013-0076

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.

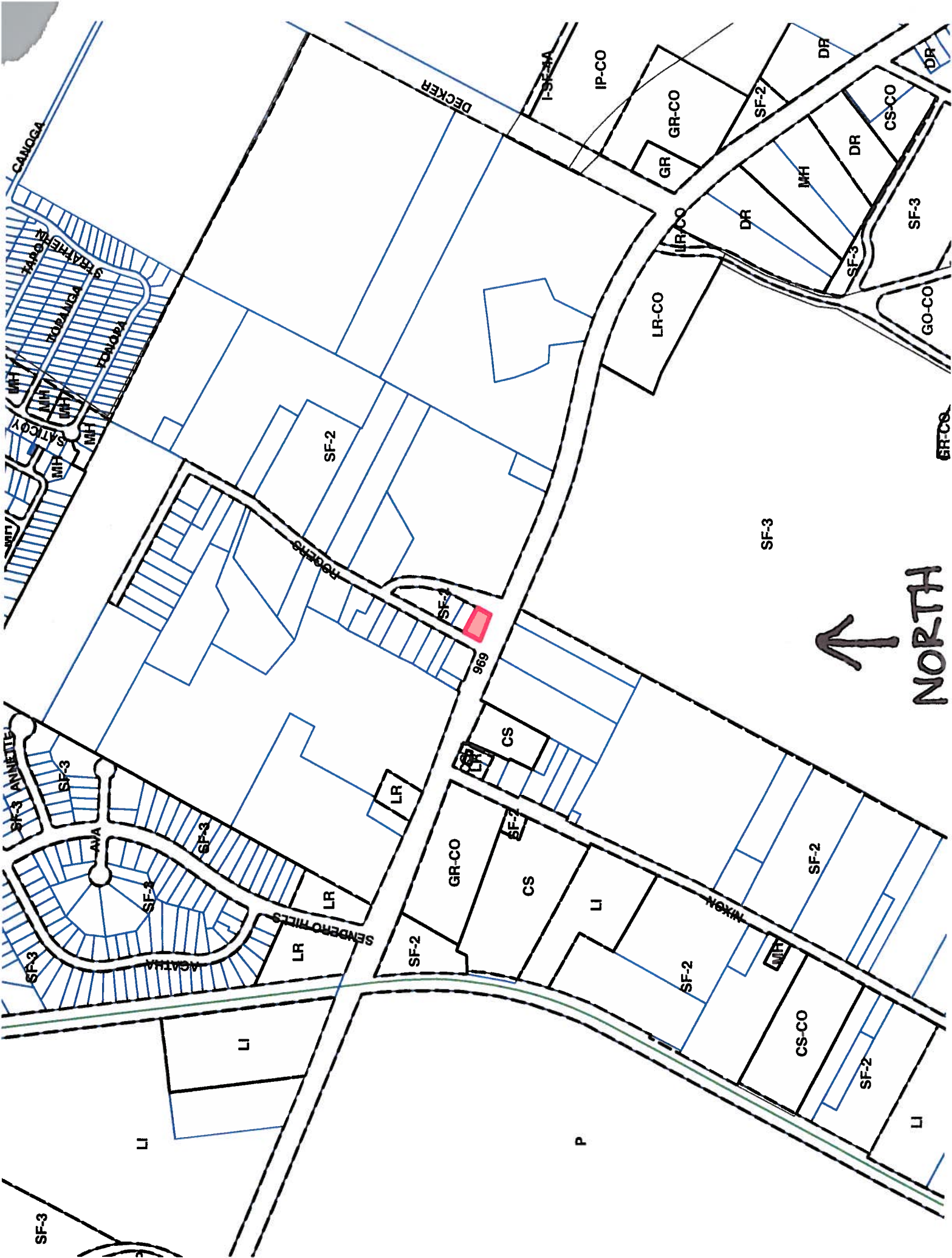
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