

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0128 – Planet K

Z.A.P. DATE: November 5, 2013

ADDRESS: 10730 South IH 35 Service Road Southbound

OWNER: AusPro Enterprises LP
(Michael Kleinman)

AGENT: Moncada Consulting
(Phil Moncada)

ZONING FROM: I-RR; SF-2

TO: CS-MU

AREA: 2.057 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – mixed use (CS-MU-CO) combining district zoning. The Conditional Overlay limits development to 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

November 5, 2013: *TO GRANT CS-MU-CO DISTRICT ZONING AS STAFF
RECOMMENDED, BY CONSENT*

[C. BANKS; P. SEEGER – 2ND] (7-0)

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject two tracts have frontage on the southbound IH 35 service road, and contain a general retail sales (convenience) use and a residence (I-RR; SF-2). The I-RR zoned tract was previously used for liquor sales and has recently converted a Planet K store, which is classified as a retail sales use. There are construction sales and services uses to the north (CS-CO), an automobile sales dealership under construction to the south (CS-CO), and undeveloped land within the Double Creek Village planned development to the west (CS-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property to the general commercial services – mixed use (CS-MU) district in order to be consistent with the existing retail sales use and plan for the eventual conversion of the residential use.

Staff recommends CS-MU district zoning because commercial zoning is consistent with zoning and uses on adjacent properties fronting the southbound IH-35 service road.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR; SF-2	General retail sales (convenience); Residence
<i>North</i>	CS-CO	Construction sales and services
<i>South</i>	CS-CO	Automobile sales dealership (under construction)
<i>East</i>	<i>Across IH 35:</i> CS-MU-CO; GR-MU-CO	IH-35 Service Road and main lanes; Undeveloped; Apartments
<i>West</i>	CS-CO	Undeveloped

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Onion Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association

627 – Onion Creek Homeowners Association

742 – Austin Independent School District 1037 – Homeless Neighborhood Organization

1075 – Bike Austin

1200 – Super Duper Neighborhood Objectors and Appealers Organization

1228 – Sierra Club, Austin Regional Group

1224 – Austin Monorail Project

1236 – The Real Estate Council of Austin, Inc.

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

SCHOOLS:

Menchaca Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0220 – Double Creek Village – 10200-10614 S IH 35 Service Rd SB	I-RR; CS to CS-MU	To Grant CS-MU-CO w/the CO for list of prohibited uses, Restrictive Covenant for conds of the TIA, and Street Deed for r-o-w for the new loop road between FM 1826 and IH 35 is part of TIA approval and required to be	Apvd. CS-MU-CO with RC for conds of the TIA and Street Deed for r-o-w for new loop road as Commission rec. (11-18-2010).

		dedicated at the time of zoning.	
C14-05-0119 – P.C.W. Construction Equipment and Sales – 10704 S IH 35 Service Rd SB	I-RR to CS	To Grant CS-CO with CO for 2,000 trips	Apvd CS-CO as Commission rec. (9-29-2005).
C14-03-0053 – Double Creek Village – 11000 Block of S IH35 Service Rd SB	I-RR to CS	To Grant CS-CO for Tract 1; GR-CO for Tract 2, with conditions of the TIA. CO is for list of prohibited uses; and prohibits access to Old San Antonio Road. Restrictive Covenant for the TIA.	Apvd CS-CO for Tract 1 and GR-CO for Tract 2 with Restrictive Covenant for the conds. of the TIA as Commission rec. (12-11-2003).

RELATED CASES:

There are no related subdivision or site plan applications on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
South IH-35	Varies	Freeway 6-Lanes (FWY 6)	Freeway	115,000

- South IH-35 is not classified in the Bicycle Plan.
- Capital Metro bus service (Bus Route No. 201) is available along South IH-35.
- There are no existing sidewalks along South IH-35.

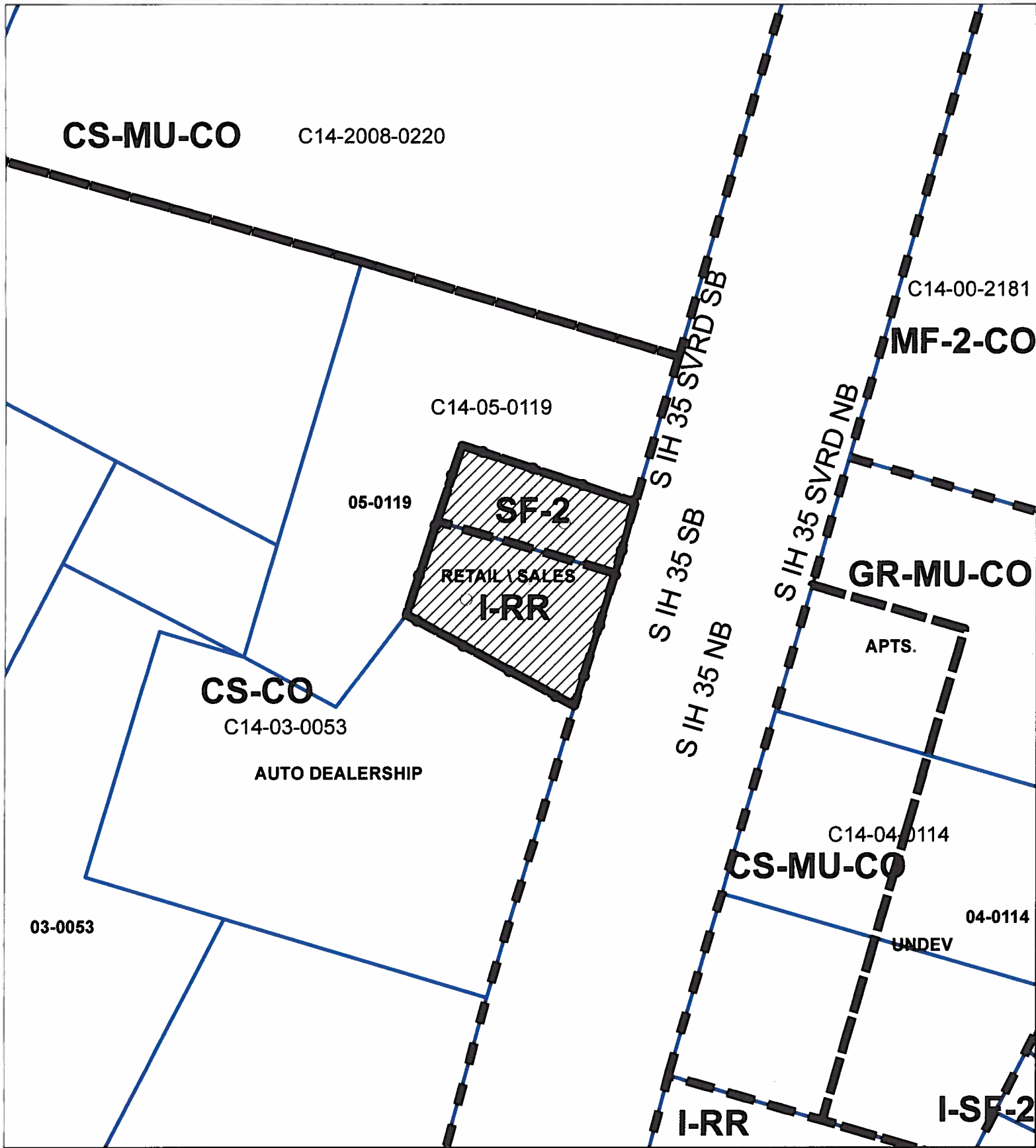
CITY COUNCIL DATE: December 12, 2013 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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




PHONE: 974-7719



ZONING
CASE#: C14-2013-0128

EXHIBIT A



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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





I-RR

CS-MU-CO

MF-2-CO

SF-2

I-RR

CS-CO

CS-MU-CO

GR-MU-CO

I-RR

I-SF-2

GR-CO

EXHIBIT A

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services (CS-CO) combining district zoning. The Conditional Overlay limits development to 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

CS, General Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

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

Staff recommends CS-MU district zoning because commercial zoning is consistent with zoning and uses on adjacent properties fronting the southbound IH-35 service road.

EXISTING CONDITIONS**Site Characteristics**

The subject property is developed with a general retail sales (convenience) use and a residence. The site is 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 80%, based on the more restrictive *watershed* regulations.

Comprehensive Planning/ Imagine Austin

This zoning case is located on the west side of IH-35 in south Austin, along the IH-35 frontage road. This rezoning is not located within the boundaries of an area with an adopted neighborhood plan. The subject property is approximately 2 acres in size and contains a retail sales use facing the frontage road and a mobile home residence, which is located in the back of the property. Surrounding land uses includes a single family house to the north, an automobile sales dealership under construction to the south, a construction sales/service facility to the west, and IH-35 to the east. The proposed use is commercial/residential.

As this case is small in scope, it is not at a level of review that can be considered by Imagine Austin which is broad in scope. Thus, when looking through the lens of Imagine Austin, this case is neutral.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Onion 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:

<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%

According to flood plain maps there is no flood plain 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.

Transportation

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]

Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

Water and Wastewater

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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

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

The site is subject to compatibility standards. Along the north property line, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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