

CH
1

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0061 (Lake Creek Rezoning)

Z.A.P. DATE: June 3, 2014

ADDRESS: 10313 Lake Creek Parkway

OWNER/APPLICANT: Van Family Real Estate Partnership, Ltd. (Glenn Van Shellenbeck)

AGENT: Permit Partners (David Cancialosi)

ZONING FROM: I-RR

TO: GR

AREA: 0.52 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum-Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The property in question is currently developed as commercial building with a pawn shop services use (Best Pawn). The applicant is requesting GR district zoning to bring the existing use into conformance with land use regulations in the City of Austin Code.

The staff recommends GR-CO, Community Commercial-Conditional Overlay District, zoning for this property because this site is an established retail use located at the corner of U.S. Highway 183 North, a major arterial roadway, and Lake Creek Parkway, a designated collector street. The proposed GR-CO zoning would be compatible with the adjacent uses because there is GR zoning located to the north and east of the property and GR-CO zoning located further down Lake Creek Parkway to the west.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Pawn Shop Services (Best Pawn)
<i>North</i>	GR	Commercial Center (Anderson Mill Market Shopping Center: Vacant HEB Grocery Store, Thundercloud Subs, Taco Bell, etc.)
<i>South</i>	I-RR	Office (Lake Creek Office Park)
<i>East</i>	GR	Restaurant (Lone Star Kolaches), Personal Services (Star Brite Cleaners), vacant suite
<i>West</i>	I-RR	Office (Lake Creek Office Park: Allstate, etc.)

CH
2

AREA STUDY: N/A

TIA: Waived

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Anderson Mill Neighborhood Association
Austin Heritage Tree Foundation
Austin Monorail Project
Austin Northwest Association
Bike Austin
Homeless Neighborhood Association
Long Canyon Homeowners Association
Neighborhood Association of SW Williamson County
SELTEXAS
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0048 (Hymeadow: 12416 Hymeadow Drive)	I-RR to GO	5/20/14: Approved staff's recommendation of GO zoning by consent (6-0, R. McDaniel-absent); P. Seeger-1 st , S. Compton-2 nd .	6/12/14: Pending
C14-04-0042 (13802 Research Boulevard)	I- RR, LR to GR	4/6/04: Approved staff's recommendation of GR-CO, with a 2,000 vehicle trip per day limit, by consent (7-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	4/15/04: Granted GR zoning (7-0); all 3 readings
C14-01-0112 (Anderson Mill Market Shopping Center: 13776 U.S. Highway 183 North)	I-RR to GR (TR1), CS-1 (TR2)	9/11/01: Approved staff's rec. for GR (Tract 1), CS-1-CO (Tract 2), district zoning, adding a conditional overlay to prohibit Adult Oriented uses, on consent. (7-0, J. Martinez- left early, D. Castaneda-absent); J. Mather-1 st , K. Jackson-2 nd .	10/11/01: Approved GR for Tract 1 and CS-1-CO for Tract 2 with conditions (7-0); all 3 readings
C14-00-2184	DR to GR	Approved GR (5-2-1; JM/ RC-Nay, BB-abstain)	Approved GR (7-0; all 3 readings)
C14-99-2112	I-RR to GR	Approved GR (7-1; RC-Nay)	Approved GR-CO (6-0; all 3 readings)
C14-97-0026	LR to GR	Approved GR (7-0-1)	Approved GR (5-0-I, RR- abstain; all 3 readings)

C4/3

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Lake Creek Parkway	90'	55'	Collector	Yes	No	Yes

CITY COUNCIL DATE: June 26, 2014

ACTION:

ORDINANCE READINGS: 1st

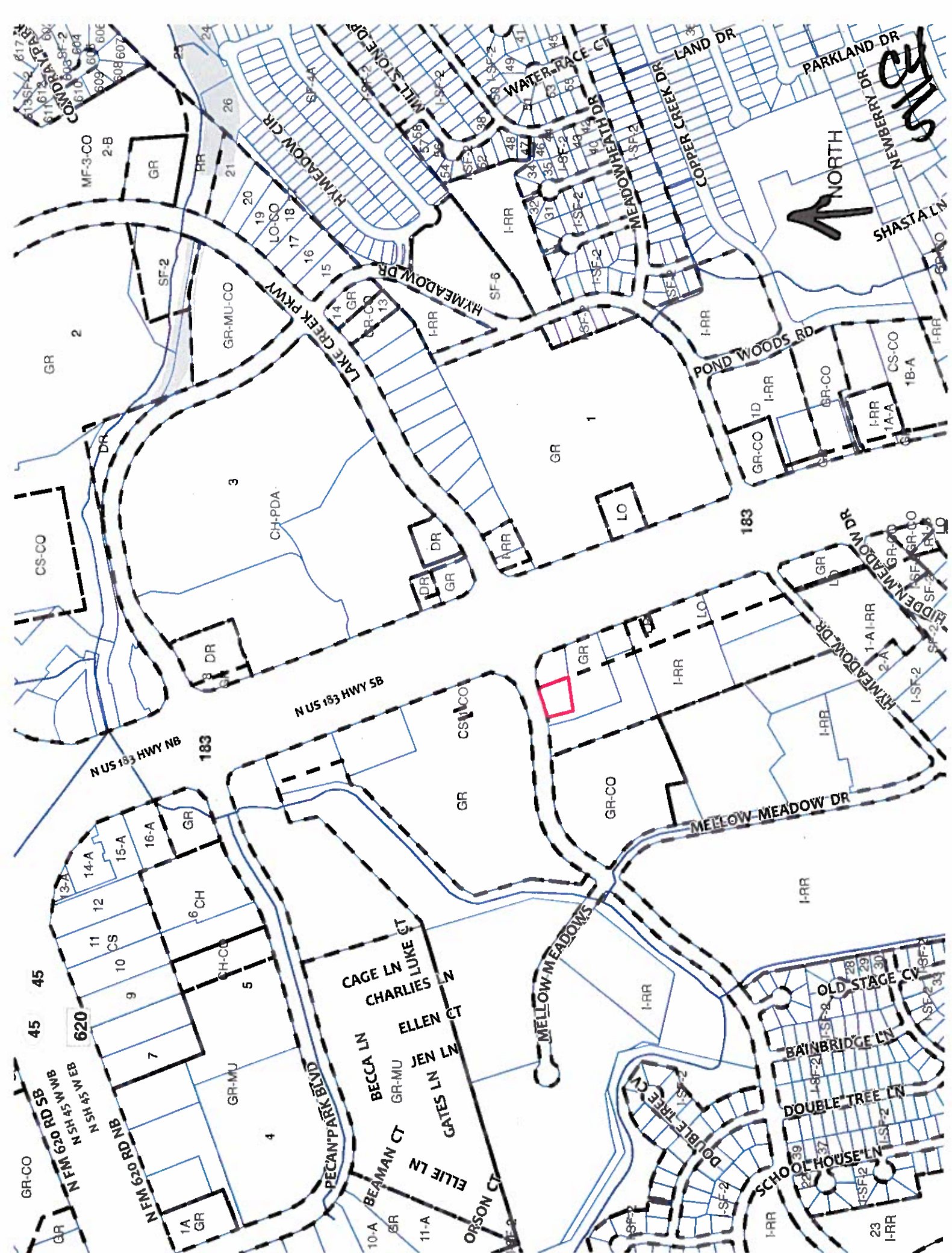
2nd

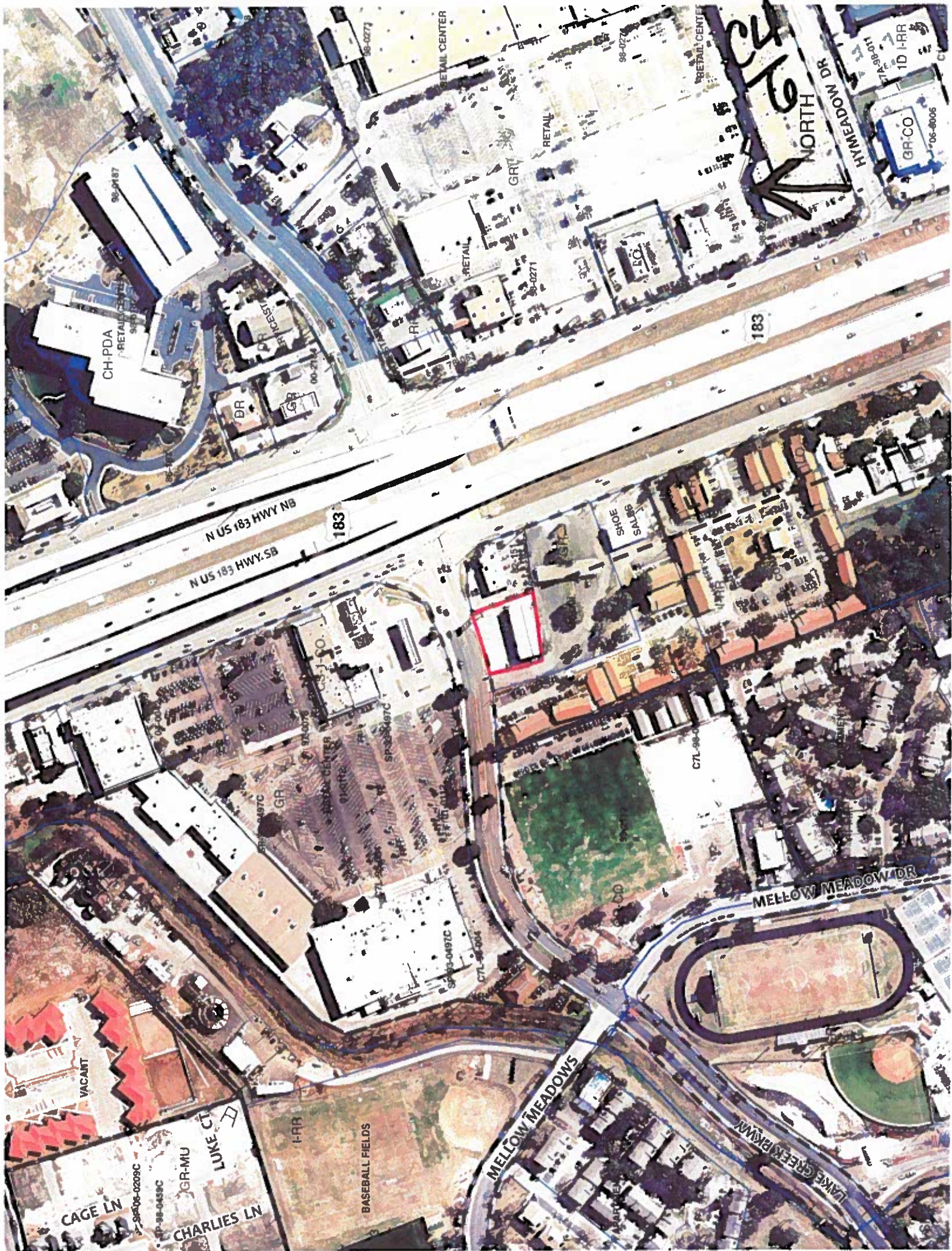
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@austintexas.gov





CH-PDA
RETAIL CENTER

N US 183 HWY NB
N US 183 HWY SB

183

183

NORTH

HYMEADOW DR

GR-CO

ID-IRR

06-8006

SHOE

SALES

CTL-98-004

MELLOW MEADOWS DR

VACANT

CAGE LN

CHARLIES LN

LUKE CT

GR-MU

BASEBALL FIELDS

MELLOW MEADOWS

LAKE GREEN BLVD

CH
1/1

STAFF RECOMMENDATION

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

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

The GR zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

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

The GR-CO zoning district would be compatible and consistent with the surrounding uses because there is GR, Community Commercial District, zoning to the north and east and GR-CO zoning to west of this site. The property in question contains a commercial building that houses an existing pawn shop services use.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed GR-CO zoning district would allow for a fair and reasonable use of the site. GR-CO zoning is appropriate for this location because of the commercial character of the area. The proposed zoning will permit the applicant to bring the existing use into conformance the land use regulations in the City of Austin Code.

4. *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 near the southwest intersection of U.S. Highway 183 North, a major arterial roadway, and Lake Creek Parkway, a designated collector roadway.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed a commercial/retail building that currently contains a pawn shop services use (Best Pawn).

Comprehensive Planning

IRR to GR

This zoning case is located on the south side of Lake Creek Blvd., approximately 100 ft. west of Research Blvd. and Hwy 183. The property is not located within the boundaries of a neighborhood planning area and contains an auto parts store situated on a .52 acres parcel. Surrounding land uses includes an HEB grocery store to the north, a bank to the south, a small retail center to the east, and a one story office complex to the west. The applicant is seeking commercial zoning to recognize the existing use on the property.

CH/8

Imagine Austin

While this property is located just outside the boundaries of an existing Regional Center as identified on the Growth Concept Map, the comparative scale of the site relative to nearby commercial uses in this area falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, due to the site's location over the Edwards Aquifer, which is an environmentally sensitive area, there will be during the site planning stage (if this property is ever redeveloped) an environmental review to determine if any critical environmental features are located on the site. If any are located on the site, mitigation and setbacks necessitated by the land development code will be required.

Environmental

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

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

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 requires water quality control with increased capture volume and control of the 2 year storm on site.

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

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. 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 Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

C4
/9

Note: The most restrictive impervious cover limit applies.

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.

Site Plan

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

Lake Creek Parkway is a suburban roadway and all requirements would be based on this as the principal roadway.

Transportation

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo (Attachment A). LDC, Sec. 25-6-114.

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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Lake Creek Parkway	90'	55'	Collector	Yes	No	Yes

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 and suitability for operation and maintenance. 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.

Attachment A
CH
10



MEMORANDUM

TO: Sherri Sirwatis, Case Manager
CC: David Cancialosi, Permit Partners
FROM: Amanda Couch, Senior Planner
DATE: May 27th, 2014
SUBJECT: Neighborhood Traffic Analysis for Lake Creek Parkway
Zoning Case # C14-2014-0061

The transportation section has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The .519-acre tract is located in North Austin on Lake Creek Parkway. The site is currently zoned Interim Rural Residential (I-RR) and the existing use is a pawn shop. The site is surrounded entirely by commercial uses, including commercial retail and an office park, and is zoned Community Commercial (GR) to the north and east and I-RR to the south and west. The zoning request is from I-RR to GR. In order to get a more accurate analysis of the impact of the site on Lake Creek Parkway, the neighborhood traffic analysis incorporates the entire site that will consist of the proposed commercial retail space.

Roadways

The tract proposes access to Lake Creek Parkway.

Lake Creek Parkway is a collector and would provide the main access to the site. The roadway currently has 90 feet of right-of-way and 55 feet of pavement.

Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication Trip Generation, the proposed GR zoning for a 22,650 square foot lot may generate 2,587 vehicle trips per day. This number assumes that the site develops to the maximum intensity allowed under the zoning classification without consideration of setbacks, environmental constraints, or other site characteristics.

Table 1 represents the expected distribution of the 2,587 trips:

Table 1.	
Street	Traffic Distribution by Percent
Lake Creek Parkway	100%
TOTAL	100%

C4
11

Table 2 represents a breakdown of existing traffic on Lake Creek Parkway, proposed site traffic, total traffic after development and percentage increase in traffic

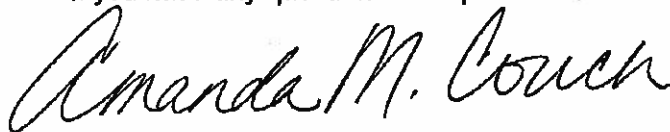
Table 2.				
Street	Existing Traffic (vpd)	Proposed New Site Traffic to Roadway	Overall Traffic	Percentage Increase in Traffic
Lake Creek Parkway	17,025	2,587	19,612	13%

According to Section 25-6-116 of the Land Development Code, Traffic on a residential local or collector street is operating at a desirable level if a pavement width of 40 feet or wider is carrying 4,000 vpd or more. Traffic volume for this particular roadway is at a desirable level according to 25-6-116

Recommendations/Conclusions

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation. Lake Creek Parkway is classified as a Collector street.
2. Currently, Lake Creek Parkway operates at desirable level and will continue to operate at desirable levels with the addition of site traffic from the proposed development. Therefore, no improvements to the roadway network are warranted at this time.
3. Development of this property should also be limited to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in this neighborhood traffic analysis, including traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me 974-2881.



Amanda M. Couch
Senior Planner ~ Transportation Review
Planning and Development Review Department

CH
/12

From the office of
PERMIT PARTNERS, LLC
105 W. Riverside Dr. Suite 225
Austin, Texas 78704
David C. Cancialosi
512.799.2401 c.
512.494.4561 f.
david@permit-partners.com

May 27, 2014

City of Austin PDRD, Attn: Sherri Sirwaitis
City of Austin, Attn: Zoning and Platting Commission
One Texas Center
505 Barton Springs Rd.
Austin, Texas 78704

RE: 10313 Lake Creek Parkway Case #C14-2014-0061

Members of the Zoning and Platting Commission,

The purpose of this letter is to provide insight into the zoning change request set forth in case C14-2014-0061 requesting a zoning change from I-RR to GR, Community Commercial.

The applicant is requesting a retroactive zoning change to allow an existing commercial retail use to remain in the current location. The site has been utilized as a commercial use during the prior 30 years. To the owner's knowledge the site has never been utilized for residential use, nor zoned as such.

The site was annexed as 2 mile ETJ in 1977 and limited purpose in 1999. Upon full purpose annexation in 2008, the City applied I-RR zoning to several sites in the vicinity. For most of the last 30 years it was a Vans Auto Parts store. The owner recently discovered that the use is non-conforming with the existing zoning and proposes to voluntarily correct it via said zoning application before you.

The subject site is located approximately 175' from US HWY 183 Southbound frontage road. The site fronts onto Lake Creek Parkway, which has 90' ROW frontage. It is estimated that the current retail use generates about 30 trips per day. Further, the site is surrounded by a mixture of intensive commercial zoning, including GR to the west, north, and east.

Given the site's proximity to major highways, collector roadways, more intensive zoning categories to the east, and other uses serving neighborhood and community needs we believe the zoning request from I-RR to GR is an appropriate zoning category for the subject site.

We respectfully request ZAPCO motion to approve this case at its June 3rd hearing and forward to the City Council a recommendation for approval of the said zoning requests.

Respectfully,



David Cancialosi, agent for the owner