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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2014-0059 (Horizon Rezoning)

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

**ADDRESS:** 13497 U.S. Highway 183 North

**OWNER/APPLICANT:** Austin Horizon LLC & Horizon Ventures LLC

**AGENT:** Thrower Design (A. Ron Thrower)

**ZONING FROM:** GR-CO      **TO:** CS-1-CO

**AREA:** 0.036 acres (1588 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommends CS-1-CO, Commercial-Liquor Sales-Conditional Overlay District, zoning. The conditional overlay will prohibit the following uses: Drop-Off Recycling Collection Facility, Residential Treatment, Residential Treatment, Agricultural Sales and Services, Art and Craft Studio (General), Building Maintenance Services, Campground, Cocktail Lounge, Commercial Blood Plasma Center, Construction Sales and Services, Convenience Storage, Electronic Prototype Assembly, Equipment Repair Services, Equipment Sales, Kennels, Laundry Services, Plant Nursery, Vehicle Storage, Veterinary Services, Custom Manufacturing, Limited Warehousing and Distribution, Maintenance and Service Facilities, Transitional Housing, and Transportation Terminal.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

### **DEPARTMENT COMMENTS:**

The property in question is developed with commercial retail center and a banking facility/financial services use. There is a suite within the retail center that is currently being utilized for liquor sales (Twin Liquors). The applicant is requesting CS-1 zoning for an additional suite within the retail center so that they may expand the existing liquor store on the property.

The staff's recommendation is to grant a building footprint of CS-1-CO zoning, because the proposed zoning is consistent with the purpose statement for the Commercial-Liquor Sales zoning district. The site is surrounded by existing commercial uses and by commercial and industrial zoning district designations to the north, south, east, and west. The property is easily accessible because it is located at the intersection of two major arterial roadways and has frontage on U.S. Highway 183 North. The staff's recommendation will maintain the current list of prohibited uses that were approved in the previous zoning case for this property, C14-03-0180, through Ordinance No. 040226-Z-4.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO, CS-1-CO	Retail Center (Horizon Center: BBVA Compass Bank, Fast Signs, Twin Liquors, Gold Sales, Best Dressed Dog Groomers, Central Metro Realty, H & R Block)
<i>North</i>	CS-CO	Retail Sales (Harley's Firewood Sales)
<i>South</i>	GR-CO	Retail Sales-Convenience (Walgreen's)
<i>East</i>	LI-CO	Office/Retail (All State, PDA Smart Co, Capital Kustom Car and Marine Audio/Alarm, Business Insurance, etc.)
<i>West</i>	GR	Retail Center, Parking Lot

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**AREA STUDY:** N/A

**TIA:** Not Required

**WATERSHED:** Lake Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Acres West Homeowners Association  
 Austin Heritage Tree Foundation  
 Austin Northwest Association  
 Austin Monorail Project  
 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 Appeals Organization  
 The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0192 (The Mill: 9514 Anderson Mill Road)	I-RR to GR	12/06/05: Approved staff recommendation of GR-CO zoning, with a CO for 2,000 vtpd limit, by consent (7-0, K. Jackson, J. Pinnelli-absent); M. Hawthorn-1 <sup>st</sup> , J. Donisi-2 <sup>nd</sup> .	1/12/06: Approved GR-CO zoning by consent (6-0, D. Thomas-absent); R. Alvarez-1 <sup>st</sup> , L. Leffingwell-2nd; all 3 readings
C14-03-0180 (Horizon Center: 13497 U.S. Highway 183 North)	I-SF-2 to Tract 1: GR- CO and Tract 2: CS- 1-CO	1/20/04: Approved staff's recommendation of GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2, with the following conditions: For Tract 1 - prohibit Drop-Off Recycling Collection and Residential Treatment and for Tract 2 - prohibit Drop-Off Recycling Collection Facility, Residential Treatment, Residential Treatment, Agricultural Sales and Services, Art and Craft Studio (General), Building Maintenance Services, Campground, Cocktail Lounge, Commercial Blood Plasma Center, Construction Sales and Services, Convenience Storage, Electronic Prototype Assembly, Equipment Repair Services, Equipment Sales,	2/26/04: Approved GR-CO for Tract 1, CS-1-CO for Tract 2 by consent (7-0, Thomas-off dais); all 3 readings

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		Kennels, Laundry Services, Plant Nursery, Vehicle Storage, Veterinary Services, Custom Manufacturing, Limited Warehousing and Distribution, Maintenance and Service Facilities, Transitional Housing, Transportation Terminal and to limit the development intensity for the entire site to less than 2,000 vehicle trips per day, by consent (6-0, J. Cortez, J. Donisi, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .	
C14-03-0104 (Maxwell Auto Group: 13573 H.S. Highway 183 North)	I-RR, SF-2, GR, CS to GR-CO	8/12/03: Approved staff's recommendation of GR-CO zoning, with CO to limit site to less than 2,000 vtpd), by consent (9-0)	9/25/03: Granted GR-CO (7-0); all 3 readings
C14-02-0059 (Pond Springs Road Rezoning: 13498 Pond Springs Road)	I-RR to GR	5/21/02: Approved staff's alternate rec. of GR-CO zoning, with CO for 2,000 vtpd limit and additional conditions to prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, on consent (8-0, K. Jackson-absent)	7/11/02: Approved GR-CO (7-0); all 3 readings
C14-02-0020 (Jeffrey Hair Salon: 9414-9416 Anderson Mill Road)	I-RR to LR	4/9/02: Approved staff's alternate rec. of LR-CO zoning, with CO for 2,000 vtpd limit and ROW dedication conditions and added prohibit Service Station, Congregate Living, Family Homes, Group Homes, and Residential Treatment (9-0); K. Jackson-1 <sup>st</sup> , M. Casias-2 <sup>nd</sup> .	8/29/02: Approved LR-CO (7-0); 1 <sup>st</sup> reading  9/26/02: Approved LR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-01-0165 (Chris D. Jones: Anderson Mill and US HWY 183 North)	CS-CO to CS-CO	12/11/01: Approved staff rec. of CS-CO zoning, with CO to limit site to Convenience Storage as only CS district use, permit all other LR district uses, prohibit Service Station use, limit height to 45 feet and 2,000 vtpd limit (7-0, A. Adams-absent); M. Casias-1 <sup>st</sup> , J. Martinez-2 <sup>nd</sup> .	1/17/02: Approved CS-CO (6-0, W. Wynn-out of room); all 3 readings
C14-01-0155 (13553 U.S. Highway 183 North)	I-RR to GR	11/21/01: Approved staff rec. of GR-CO zoning, with CO for 2,000 vtpd limit, by consent (8-0, D. Castaneda-absent); J. Martinez-1 <sup>st</sup> , N. Spelman-2 <sup>nd</sup> .	1/10/02: Approved GR-CO (6-0, Goodman out of room); all 3 readings

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C14-00-2244	I-RR to LR	2/6/01: Approved GR-CO for personal improvement use only & all LR uses w/ conditions (9-0)	7/19/01: Withdrawn by applicant.
C14-00-2200	GR-CO to CS-1	11/14/00: Approved staff rec. of CS-1 by consent (8-0)	12/14/00: Approved CS-1-CO w/ conditions: Prohibit Pawn Shops and Adult Oriented Businesses (7-0); all 3 readings
C14-00-2054	I-RR to LI-CO	11/14/00: Postponed indefinitely by applicant (re-notification required)	5/14/01: Administrative-Expired (Indefinite PP only good for 6 months)
C14-99-2140	I-RR to CS	3/7/00: Approved CS-CO (5-0-1, RC-abstain); CO would limit to convenience storage as the only CS use and allow all LR uses w/ exception of service stations, limit max height to 40', allow max of 2,000 vehicle trips per day	4/6/00: Approved CS-CO w/ conditions as recommended by PC; all 3 readings (6-0, Lewis out of room)
C14-99-2139	I-RR to CS	3/7/00: Approved W/LO-CO (5-0-1, RC-abstain); CO would limit site to convenience storage as only W/LO use, limit site to 2,000 vehicle trips per day	4/6/00: Approved W/LO-CO w/ conditions as recommended by PC; on all 3 readings (6-0, Lewis out of room)
C14-99-0137	I-RR to LI	8/24/99: Approved LI-CO; agree to rollback zoning to GR if use ceases, limited to 2,000 vehicle trips per day, dedicate ROW at time of subdivision process (5-1, RC-Nay)	12/2/99: Approved LI-CO; limited to 2,000 vehicle trips per day; require RC for to "GR" if use ceases (7-0); 3 <sup>rd</sup> reading

**RELATED CASES:** C14-03-0180 (Previous Zoning Case)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
US Highway 183	375'	Varies	Major Arterial	N/A
Anderson Mill Road	100'	Varies	Major Arterial	N/A

**CITY COUNCIL DATE:** June 26, 2014

**ACTION:**

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

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

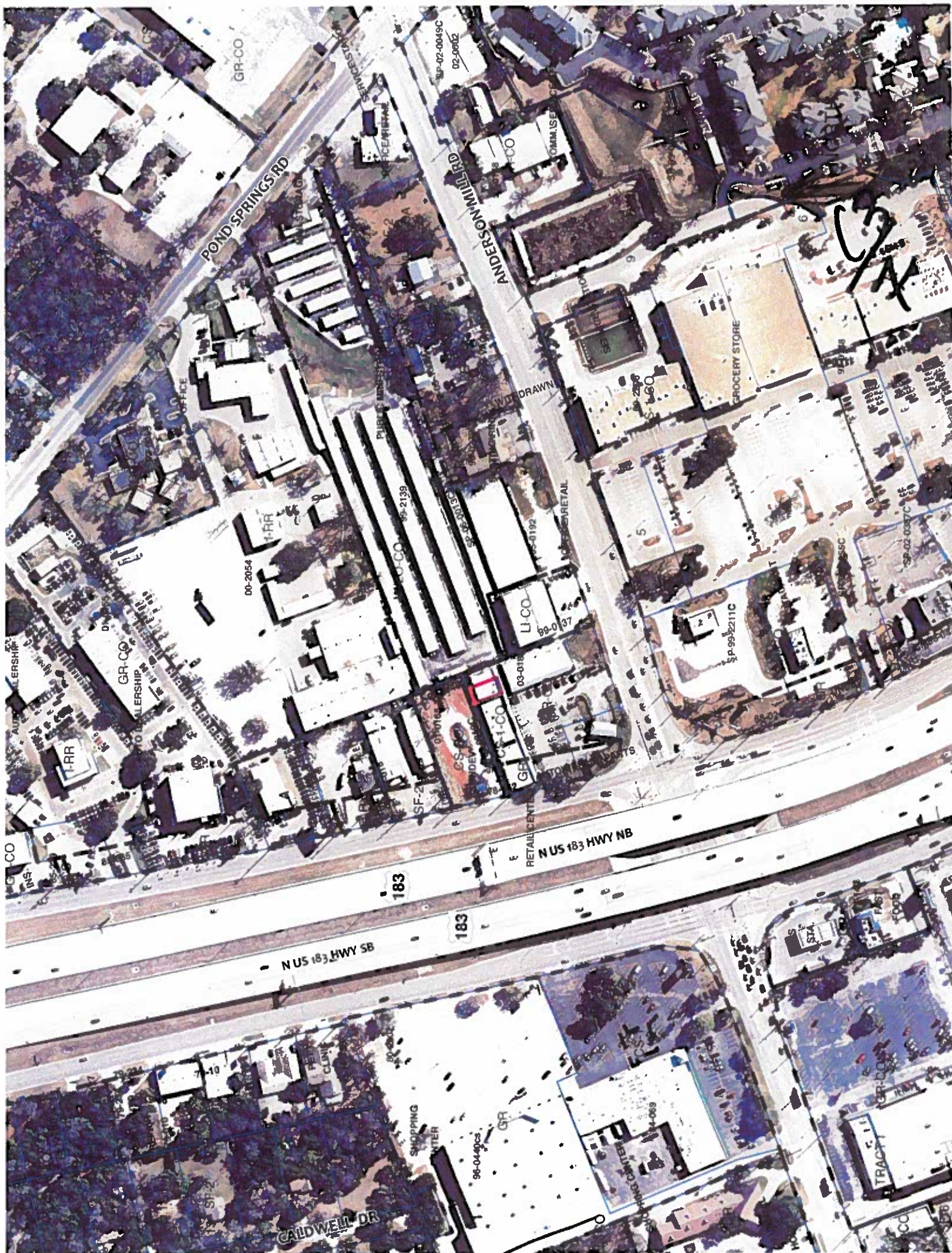
**CASE MANAGER:** Sherri Sirwaitis

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











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## STAFF RECOMMENDATION

The staff recommends CS-1-CO, Commercial-Liquor Sales-Conditional Overlay District, zoning. The conditional overlay will prohibit the following uses: Drop-Off Recycling Collection Facility, Residential Treatment, Residential Treatment, Agricultural Sales and Services, Art and Craft Studio (General), Building Maintenance Services, Campground, Cocktail Lounge, Commercial Blood Plasma Center, Construction Sales and Services, Convenience Storage, Electronic Prototype Assembly, Equipment Repair Services, Equipment Sales, Kennels, Laundry Services, Plant Nursery, Vehicle Storage, Veterinary Services, Custom Manufacturing, Limited Warehousing and Distribution, Maintenance and Service Facilities, Transitional Housing, and Transportation Terminal.

## BASIS FOR RECOMMENDATION

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

The CS-1 zoning district is intended for the development of a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The CS-1-CO zoning district designation would be appropriate for this site because the property in question will take access to two major arterial roadways. The site is developed with an existing retail shopping center, which fronts onto U.S. Highway 183 North.

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

The proposed zoning is consistent with land use patterns in this area as the site under consideration is located adjacent to an existing CS-1-CO zoned footprint to the west. The retail center this suite is located in is zoned GR-CO and surrounded by commercial and industrial zoning to the north (CS-CO), south (GR, GR-CO), east W/LO-CO and LI-CO) and west (GR, CS-1).

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

The CS-1-CO zoning footprint is appropriate for this location because of the frontage of this property on two arterial roadways, Anderson Mill Road and North U.S. Highway 183. The proposed zoning will permit the applicant to expand the existing liquor sales use (Twin Liquors) within the existing retail center (Horizon Center).

## EXISTING CONDITIONS

### Site Characteristics

The site is currently developed with a commercial shopping center, which contains a liquor store, and a banking facility. The property is located at the intersection of Anderson Mill Road and U.S. Highway 183 North, two major arterial roadways.



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## **Comprehensive Planning**

### **GR to CS-1**

This zoning case is located on the northeast corner of Research Boulevard and Anderson Mill Road, within the boundaries of an existing retail shopping center that contains a bank, a variety of retail uses, a restaurant, offices and a Twin Liquor store. The proposal concerns only a small portion (.036 acres) of this retail shopping center, and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a vacant lot to the north, Walgreens to the south, offices and an auto services shop to the east, and US 183 to the west. The proposed use is liquor sales.

### **Imagine Austin**

The comparative scale of the site relative to nearby commercial uses in this area, as well as the site not being located along an Activity Corridor or within an Activity Center, 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 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.

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.

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 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 on this site would be limited by the watershed ordinance.

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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%

Note: The most restrictive impervious cover limit applies.

#### **Site Plan**

Development on this site will be subject to *Subchapter E: Design Standards and Mixed Use*.

As per Ordinance No. 040226-Z-4, drop-off recycling collection and residential treatment uses are not permitted.

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

#### **Transportation**

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Anderson Mill Road.

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]

Existing Street Characteristics:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro</b>
Anderson Mill Road	94'	72'	Major Arterial	Yes	Yes	Yes
US 183 N	367'	347'	HWY	No	No	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

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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.