

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0067
(13219 U.S. Highway 183 Rezoning)

ZAP DATE: June 3, 2014

ADDRESS: 13219 Research Boulevard (North U.S. Highway 183)

OWNER/APPLICANT: 13219 Highway 183, Ltd. (Paul Terrill)

AGENT: Holt Planners (David Holt)

ZONING FROM: GR, I-RR

TO: GR

AREA: 0.190 acres (8,276.4 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR, Community Commercial Services District, zoning.

ZONING & PLATTING COMMISSION RECOMMENDATION:

6/03/14: Approved staff's recommendation of GR zoning on consent (7-0); P. Seeger-1st,
C. Banks-2nd.

DEPARTMENT COMMENTS:

The property in question is currently under development. It is part of a redeveloping office/retail building and parking area located at the northwest corner of U. S. Highway 183 North and Boardwalk Drive. The property was annexed by the City of Austin in December of 1997 through case C7a-97-0004. The applicant is seeking permanent zoning to redevelop the property with commercial uses.

To the south, there is a pawn shop services use (First Cash Pawn). The properties to the east are developed with light industrial and commercial uses (RV and boat storage: Safe Way Rental). The tract of land to the west has an indoor entertainment use (iFly) and restaurant uses (Amy's Ice Cream/Phil's Icehouse). To the north, there is a limited warehousing & distribution/general retail sales-general use (Office Outlet Furniture Sales).

The staff is recommending GR zoning for the property because the site meets the intent of the Community Commercial district as it will serve neighborhood and community needs and that generally is accessible from major traffic ways. The proposed GR zoning will be consistent with the adjacent GR and GR-CO zoning to the south and west and the CS-CO zoning to the east. Community Commercial zoning will permit the applicant to utilize a redeveloping retail strip center that fronts onto a major arterial roadway, U. S. Highway 183 North, for additional commercial uses.

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

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Retail Strip Center (Austinville Center - Under Reconstruction)
<i>North</i>	LI-CO	Limited Warehousing and Distribution (Office Outlet)
<i>South</i>	GR, GR-CO	Pawn Shop Services (First Cash Pawn)
<i>East</i>	CS-CO	RV and Boat Storage (Safe Way Rental)
<i>West</i>	GR-CO	Indoor Entertainment (i FLY), Restaurants (Papalote Taco House, Phil's Icehouse, Amy's Ice Creams, Baked by Amy's, The Soup Peddler)

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:**

Austin Heritage Tree Foundation
 Austin Monorail Project
 Austin Northwest Association
 Bike Austin
 Bull Creek Foundation
 Homeless Neighborhood Association
 Long Canyon Homeowners Association
 Long Canyon Phas II, LLL Homeowners Association, Inc.
 SELTEXAS
 Sierra Club, Austin Regional Group
 Spicewood Springs Road Tunnel Coalition
 Super Duper Neighborhood Objectors and Appealers Organization
 Tanglewood Estates Neighborhood Association
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0096 (Boardwalk Rezoning: 13215 Research Boulevard)	GR-CO to GR-CO	8/03/10: Approved staff's recommendation of GR-CO zoning, with CO to would limit the development intensity on the site to less than 2,000 vehicle trips per day and would prohibit Automotive Rentals, Automotive Repair and Automotive Washing (of any type) uses on the property, by consent (6-0, T. Rabago-absent);	8/26/10: Approved first reading for GR-CO zoning to change a condition of zoning on consent (7-0); Spelman-1 st , Martinez-2 nd . 9/30/10: Approved GR-CO zoning by consent on 2 nd /3 rd readings (7-0); Spelman-1 st , Martinez-2 nd .

		G. Bourgeios-1 st , D. Tiemann-2 nd .	
C14-06-0167 (13205 N. U. S. Highway 183)	I-SF-2 to Tract 1: CS Tract 2: CS-1	<p>9/05/06: 1st Motion: Approved staff's recommendation of GR-CO for Tract 1 and CS-1-CO for Tract 2, with additional condition to prohibit Pawn Shop Services, by consent (8-0, J. Shieh-absent); J. Martinez-1st, S. Hale-2nd.</p> <p>2nd Motion: To rescind and reconsider 1st motion (6-0, J. Shieh-absent; T. Rabago, J. Martinez-off dias); J. Gohil-1st, K. Jackson-2nd.</p> <p>3rd Motion: To postpone and place on the September 19, 2006 ZAP Agenda (6-0, J. Shieh-absent; T. Rabago, J. Martinez-off dias); J. Gohil-1st, K. Jackson-2nd.</p> <p>9/19/06: Continued to October 3, 2006 by Zoning and Platting Commission (7-0, J. Martinez, J. Pinnelli-absent); S. Hale- 1st, J. Shieh-2nd.</p> <p>10/03/06: Postponed to November 7, 2006 by the applicant (7-0, K. Jackson, J. Pinnelli-absent); J. Martinez-1st, S. Hale-2nd.</p> <p>11/07/06: Approved staff's recommendation of GR-CO zoning for Tract 1 (shopping center), CS-1-CO zoning for Tract 2 (bar area), and GR-CO zoning for newly created Tract 3 (deck area). The Commission added the following conditions to Tract 2: Prohibit Adult Oriented Businesses; To require double door access</p>	<p>12/07/06: Approved the ZAP recommendation, striking the requirement for double door access from the bar (Tract 2) to the deck (Tract 3) and adding a the bar (Tract 2) to the deck (Tract 3) and adding a condition for speakers be removed from the deck area (7-0).</p> <p>4/12/06: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2, and GR- CO zoning for Tract 3 (6-0); 2nd/3rd readings</p>

		<p>to the deck from the bar (if allowable by Code and Building Permit regulations); To place permanent signage on the property at the driveway entries to restrict motorcycle parking in the rear/alleyway. To place permanent signage along the fence/property line between the residential site to the west and the property in question designating the parking spaces in the rear/alleyway as, "Employee Parking Only". To construct an 8-foot masonry/or sound retardant fence around the deck to mitigate sound emanating from the deck. The Commission also placed the following conditions on Tract 3 (the deck area): Place an 85 decibel limit (in accordance with LDC Sec. 9-2-4) on the deck to reduce noise emanating from the deck. Restrict amplified sound on the deck. Place permanent signage on the deck for noise mitigation. Remove the pool table off of the deck. Vote: (7-2, B. Baker, J. Martinez- No); J. Shieh-1st, S. Hale-2nd.</p>	
C14-03-0169 (12228 Roxie Drive)	I-SF-2 to CS-CO	12/16/03: Approved staff's recommendation for CS-CO by consent (8-0, C. Hammond-absent)	1/15/04: Approved PC rec. of CS-CO by consent (6-0, McCracken-off dias); all 3 readings
C14-02-0159 (13284 Pond Springs Road)	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR-CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any

			type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-01-0163 (12224 Roxie Drive)	I-RR to CS-CO	12/11/01: Approved staff's recommendation of CS-CO zoning, adding a condition prohibiting vehicle storage (6-0, A. Adams, V. Aldridge-Left Early)	1/17/02: Approved CS-CO on 3 readings (6-0, Wynn out of room)
C14-01-0111 (Anderson Arbor Phase III, 13301-12401 U.S. Highway 183 North)	I-RR, SF-2 to GR	11/27/01: Approved staff rec. of GR by consent (8-0)	1/10/02: Postponed to 1/31/02 at the request of the applicant (7-0) 1/31/02: Approved GR on all 3 readings (6-0, Goodman-off dias)
C14-00-2037 (Don Ray George Zoning: N. U.S. Highway 183)	SF-2 to CS	3/04/00: To grant GR-CO w/conditions to limit the site to 2,000 vtpd; prohibit Automotive Repair, Automotive Sales, Automotive Rental, and Automotive Washing; and dedicate 35-feet of ROW from the existing centerline for Boardwalk Drive (6-0, Mather, Web and Robertson-absent)	5/11/10: Approved PC rec. of GR-CO zoning (7-0); 1 st reading 8/03/00: Approved 2 nd /3 rd readings
C14-98-0201 (Buell Zoning: 12112 Boardwalk)	I-SF-2 to LI	12/8/98: Approved LI by consent (8-0)	1/7/99: Approved LI-CO w/ condition of 2,000 vehicle trips per day limit (7-0); all 3 readings
C14-98-0099 (Rundell Zoning No.4: Roxie at Boardwalk)	I-RR to CS	8/18/98: Approved CS-CO, w/ 2,000 vehicle trips per day limit, by consent (7-0)	10/8/98: Approved PC rec. of CS-CO w/ conditions (6-0); 1 st reading 12/10/98: Approved CS-CO w/ conditions (7-0); 2 nd / 3 rd readings

C14-98-0097 (Rundell Zoning No.2: 573' from Boardwalk at U.S. Highway 183 East Side)	I-RR to CS	8/18/98: Approved CS-CO, w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 st reading 12/10/98: Approved CS-CO with conditions (7-0); 2 nd / 3 rd readings
C14-98-0096 (Rundell Zoning No.1: 184' from Boardwalk at U.S. Highway 183 East Side)	I-SF-2 to LI-CO	8/18/98: Approved CS-CO w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 st reading 12/10/98: Approved CS-CO w/ conditions (7-0); 2 nd / 3 rd readings
C14-98-0036 (Roxie Drive Warehouse: 12108-12112 Roxie Drive)	I-SF-2 to LI-CO	4/14/98: Approved LI-CO w/ conditions of 2,000 vehicle trips per day limit, prohibiting Agricultural Sales and Service, Automotive Repair Services, Construction Sales and Services, Equipment Sales, Equipment Repair Services, Scrap and Salvage, Vehicle Storage, Basic Industry, Recycling Center, Resource Extraction, and Railroad Facilities (8-0)	5/14/98: Approved PC rec. of LI-CO w/ conditions (5-0); 1 st reading 1/21/99: Approved LI-CO w/ conditions (7-0); 2 nd / 3 rd readings
C14-77-140 (13219 North U.S. Highway 183 at Boardwalk Drive)	I-AA & O to GR D to C-2	?	12/15/77: Approved GR zoning on all 3 readings

RELATED CASES: C14-77-140 (Previous Zoning Case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Boardwalk Drive	60'	varies	Collector	Yes	No	No

CITY COUNCIL DATE: June 26, 2014

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us





STAFF RECOMMENDATION

The staff's recommendation is to grant GR, Community Commercial Services District, zoning.

BASIS FOR RECOMMENDATION

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

The Community commercial (GR) 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.

The property in question fronts onto and takes access from U.S. Highway 183 North, a major arterial roadway.

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

The proposed GR zoning for this site would be consistent with the adjacent GR and GR-CO zoning to the south and west and the CS-CO zoning to the east.

3. *Zoning should allow for reasonable use of the property.*

The proposed zoning of the site to the GR district would permit the applicant to remodel a retail strip center to provide commercial and office uses within a commercial and industrial area.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently under construction with a redeveloped retail building and parking area.

Comprehensive Planning

GR; IRR to GR

This zoning case is located on the northwest side of the N. US Hwy 183 Service Road and Boardwalk Drive. The property is not located within the boundaries of a neighborhood planning area and contains a newly constructed building situated on a .19 acre lot. Surrounding land uses includes an office furniture store to the north, US Hwy 193 to the south, a gas station and RV storage facility to the east, and an ice cream parlor and an iSky facility to the west. The applicant is seeking commercial zoning to recognize the existing use on the property.

Imagine Austin

The comparative scale of the site relative to nearby commercial uses, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map, 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%

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.

Site plans will be required for any new development other than single-family or duplex residential. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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

Additional right-of-way may be required at the time of subdivision and/or site plan.

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:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Boardwalk Drive	61'	37'	Collector	No	No	No

Water and Wastewater

FYI: The site is currently served with City of Austin water and wastewater utilities. If redeveloped 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 and suitability for operation and maintenance. 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.

ORDINANCE NO. 77 1215-D

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

- (1) LOT 1, BUELL PARK, LOCALLY KNOWN AS 13219 U. S. HIGHWAY 183, ALSO BOUNDED BY BOARDWALK DRIVE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (2) THE EASTERNMOST 200 FEET OF A 4.94 ACRES OF LAND, LOCALLY KNOWN AS 10500 JOLLYVILLE ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (3) A 15.68-ACRE TRACT OF LAND, LOCALLY KNOWN AS 3107 STECK AVENUE AND ALSO BOUNDED BY SHOAL CREEK BOULEVARD, FROM "O" OFFICE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,
 - (4) A 705-SQUARE-FOOT TRACT OF LAND, LOCALLY KNOWN AS 3834 PROMOTORY POINT DRIVE, FROM "D" INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT;
- ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE and HEIGHT and AREA designations on the following properties as indicated:

- (1) From Interim "AA" Residence, Interim First Height and Area District to "GR" General Retail, First Height and Area District on the property described in File C14-77-140, to-wit:

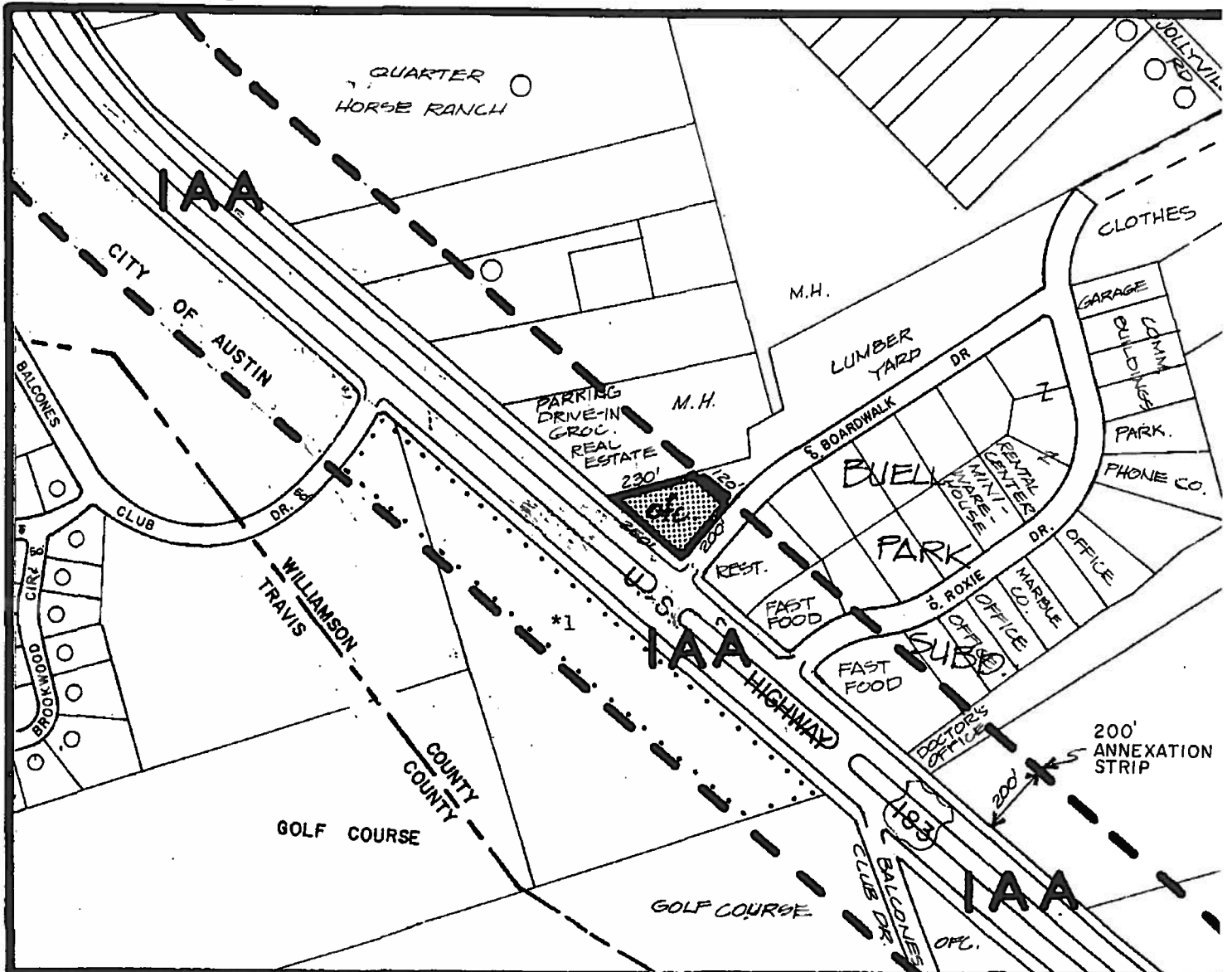
Lot 1, Buell Park, a subdivision in the City of Austin, Travis County, Texas, according to a map or deed of record in Volume 363, at Page 214, of the Deed Records of Travis County, Texas,






locally known as 13219 U. S. Highway 183, also bounded by Boardwalk Drive, in the City of Austin, Travis County, Texas; and,

- (2) From Interim "AA" Residence, Interim First Height and Area District to "O" Office, First Height and Area District on the property described in File C14-77-144, to-wit:

The easternmost 200 feet of a 4.94-acre tract of land, and being that tract of land conveyed by Walter Williams and wife, to Loraine Nalley by deed dated June 1, 1938, recorded in Book 588, Page 457, of the Travis County Deed Records, and being the same property conveyed to Truman H. Montandon by Melvin Munsell and wife, by deed

AREA: 44,730 square feet



<p>NORTH</p> 	<p>ZONING MAP TAX PLAT SCALE</p> <p>H 36 1 6718 1" = 400'</p>	<p>AREA OF HEARING ZONING LINE PENDING CASE</p> <p>  </p>	<p>RESIDENTIAL STRUCTURES </p> <p>FILE NO. C14-77-140</p>
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STREET	R.O.W.	SURFACING	CLASSIFICATION
U. S. Highway 183	200 feet	2 @ 24 feet	Major Arterial
Boardwalk Drive	60 feet	26 feet	Commercial Collector
HISTORY	REQUEST	PLANNING COMMISSION	CITY COUNCIL
*1 C14-77-141	IAA to GR	Pending	