

ZONING CHANGE REVIEW SHEET

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CASE: C14-2014-0133
Tuscany Way Rezoning

Z.A.P. DATE: November 18, 2014

ADDRESS: 9005 Tuscany Way

AREA: 3,411 square feet

OWNER: Tan Min Ho

AGENT: Thrower Design (Ron Thrower)

FROM: LI

TO: CS-1

SUMMARY STAFF RECOMMENDATION:

Staff supports the request for commercial-liquor sales (CS-1) zoning.

TIA: N/A

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

Z.A.P. COMMISSION RECOMMENDATION:

November 18, 2014:

ISSUES:

The proposed rezoning is requested to allow a small-scale wine manufacturer to sell their wine onsite. The subject property is a 3,411 industrial lease space occupied by Austin Winery. Wine production is permitted in the existing LI zoning category, but the onsite sale of their wine product is not permitted. Since the entire winery/retail operation is less than 5,000 square feet, it falls under the land use categories of food preparation/commercial liquor sales, and permitted in CS-1. *Please refer to Exhibit A (Applicant Letter).*

DEPARTMENT COMMENTS:

The rezoning tract is a lease space in Tuscany Park industrial center with a mix of light industrial uses. East of the property is the main Austin Post Office, which is zoned LI-CO. Across Tuscany Way to the south is the UPS processing facility, also zoned LI-CO. West of the rezoning tract is a mix of industrial park flex-space land uses, on property zoned LI-CO. North of the rezoning tract is the remainder of the LI-CO zoned flex-space facility, as well as tracts zoned W/LO-CO and RR. The properties outside of the Tuscany Park industrial park are currently undeveloped. *Please refer to Exhibits A and B (Zoning Map and Aerial Map).*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LI-CO	Winery
North	LI-CO, RR, W/LO-CO	Office/warehouse flex space, Undeveloped

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<i>South</i>	LI-CO	UPS facility
<i>West</i>	LI-CO	Office/warehouse flex space
<i>East</i>	LI-CO	US Post Office

RELATED CASES

C14-2013-0105- 8601 Tuscany Way Ord # 20131212-109

I-RR to LI-CO: Conditions: < 2,000 trips per day; no vehicular access from Sansom Road or Bosque Lane; shielded lighting adjacent to residential in county; prohibited uses: auto repair svcs., campground, equip. repair svcs., vehicle storage, retail sales (gen/conv.), resource extraction, kennels, residential treatment, outdoor sports & recreation, trans. housing, scrap & salvage, auto washing (any type), exterminating svcs., basic industry, railroad facilities, congregate living, outdoor entertainment, adult oriented businesses, food sales.

NEIGHBORHOOD ORGANIZATIONS:

- Walnut Place Neighborhood Association
- Harris Branch Residential Property Owners Association
- North Growth Corridor Alliance
- Harris Branch Master Association
- Austin Independent School District

CITY COUNCIL DATE: December 11, 2014

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

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3**STAFF RECOMMENDATION:**

Staff supports the request for commercial-liquor sales (CS-1) zoning.

The proposed rezoning is requested to allow a small-scale wine manufacturer to sell their wine onsite. Wine production is permitted in the existing LI zoning category, but the onsite sale of their wine product is not permitted. Since the entire winery/retail operation is less than 5,000 square feet, it falls under the land use categories of food preparation /commercial liquor sales, and permitted in CS-1.

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

CS-1 zoning allows for sale of alcohol; the existing business cannot sell their product without this zoning.

2. *The rezoning should allow for reasonable development of the property.*

The existing wine manufacturing facility is proposing a reasonable accessory use to their primary manufacturing land use; however, liquor sales cannot be an accessory use. Since it is located in an industrial park, the CS-1 zoning is not likely to provide an unsuitable land use.

SITE PLAN

SP 1. There are no site plan comments at this time. Development of industrial uses is generally exempted from Subchapter E: Design Standards and Mixed Use requirements.

TRANSPORTATION

TR1. The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Tuscany Way. If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Tuscany Way in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. This roughly calculates to 17' of right-of-way dedication from the applicant.

TR2. 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]

TR3. If the requested zoning is granted, it is recommended that access to Bosque Lane and Sansom Road be prohibited as a condition of zoning due to the adjacent neighborhood. A Neighborhood Traffic Analysis was not required since both Bosque Lane and Sansom Road right-of-way fall within the 2-mile ETJ and is maintained by Travis County.

TR5. There are existing sidewalks along Tuscany Way. There are not existing sidewalks along Bosque Lane and Sansom Road.

TR6. 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: Tuscany Way serves route no. 163 with an existing Wide Curb and recommended Bike Lane.

TR7. Capital Metro bus service (route no. 323) is available along Tuscany Way.

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,

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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 (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps, there is a flood plain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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. 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.

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.

WATER UTILITY

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.

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/S

Thrower Design

510 S. Congress Avenue, Ste 207
P. O. Box 41957
Austin, Texas 78704
(512) 476-4456

October 23, 2014

Ms. Heather Chaffin
Planning & Development Review Department
City of Austin
P.O. Box 41957
Austin, Texas 78767

RE: Austin Winery – C14-2014-0133

Dear Ms. Chaffin,

We are representing the landowner for the above referenced case to rezone the property from "LI" to CS-1" for the area occupied by the Tenant known as Austin Winery.

The tenant is manufacturing wine at this location and has subsequently set up a very small retail operation for the sale of only their product on the premises. Austin Code Enforcement has issued a stop work order for the sale of the wine in a "LI" zoned property. We have proposed the solution of the infraction to be resolved with the rezoning to "CS-1" for the 3,411 s.f. of space occupied by the tenant.

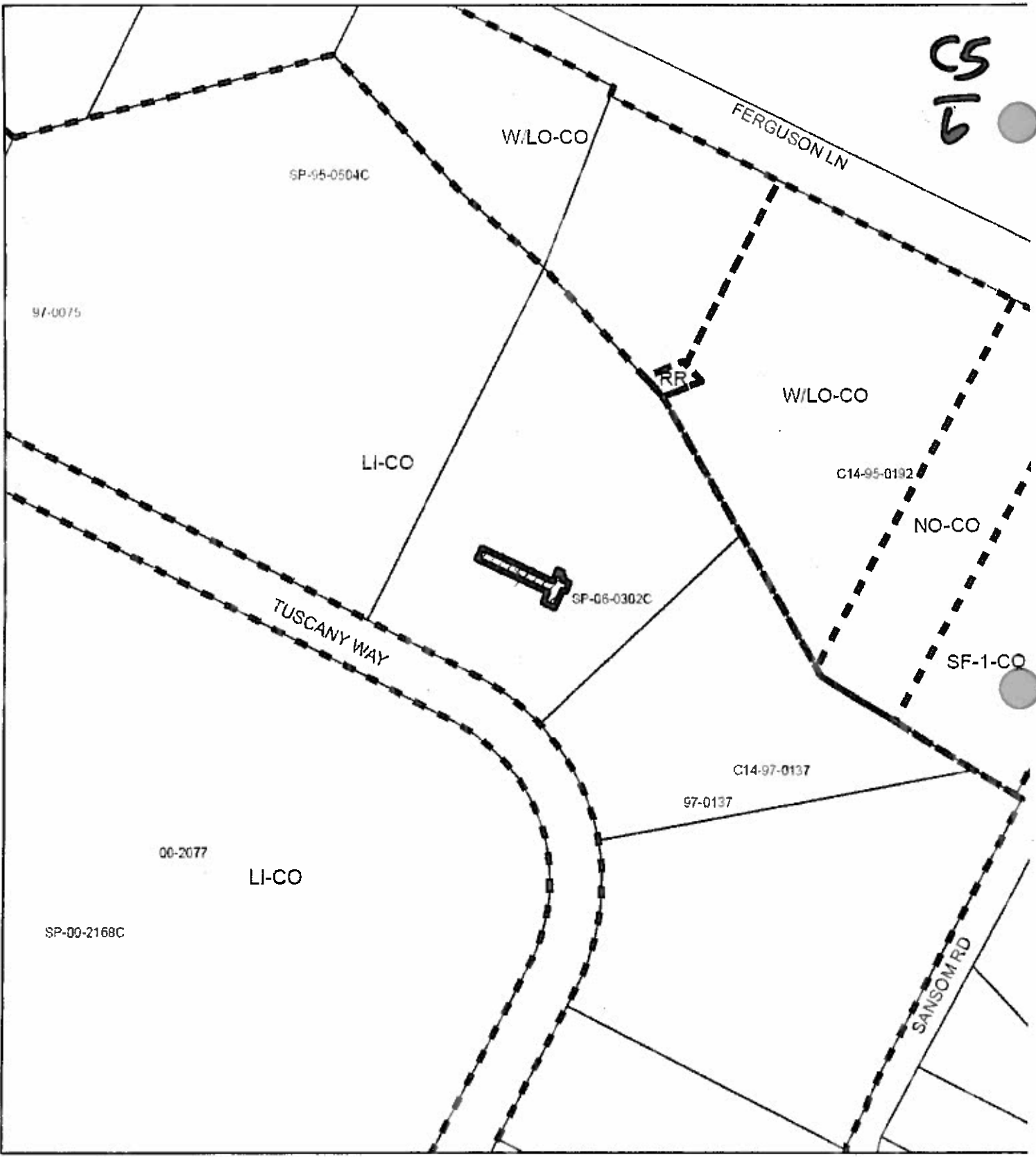
We respectfully request a positive recommendation to this matter and have this case set for Zoning & Platting Commission at the next available date.

Sincerely,

A. Ron Thrower

A. Ron Thrower




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ZONING

ZONING CASE#: C14-2014-0133



-  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.



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W/LO

SP-04-0820C

W/LO-CO

FERGUSON LN

RR

W/LO-CO

95-0192

C14-95-0192

95-0192

LI-CO

C14-014*0133

NO-CO

SF1-CO

TUSCANY WAY

C14-02*0137*0197

00-2177

LI-CO

SP-00-2188C

SANSOM RD

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