

## **SECOND/THIRD READING SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-2014-0199 (Lakeline Plaza-Total Wine & More)

**DISTRICT AREA:** 6

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 11066 Pecan Park Boulevard (Lake Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales (CS-1-CO) combining district zoning.

The ordinance reflects the conditions imposed by the City Council on 1<sup>st</sup> reading.

**OWNER/APPLICANT:** Nathan-Jeffrey LLC & Jefan Trust

**AGENT:** Armbrust & Brown (Eric deYoung)

**DEPARTMENT COMMENTS:**

The property in question is a large suite located within a commercial shopping center (Lakeline Market) near the northwestern intersection of North State Highway 45/North FM 620 and U.S. Highway 183 North. The applicant is requesting 'CS-1' zoning at this site because they would like to redevelop the space with a liquor store and retail sales use (Total Wine & More).

The staff is recommending the applicant's request for a footprint of 'CS-1' zoning because the proposed location meets the intent of the Commercial-Liquor Sales district as the property is surrounded by retail sales, restaurant and personal services uses within an existing commercial center and fronts onto a major arterial roadway, U.S. Highway 183 North. The 'CS-1' zoning district would be compatible and consistent with the surrounding zoning/land uses because there is CS zoning surrounding the property to the north, south and west and GR, CS-1-CO and CH zoning located across U.S. Highway 183 to the east. The Commercial-Liquor Sales zoning district is the appropriate designation for a property located at the intersection of two arterial roadways within an area of intense commercial and retail development (Lakeline Mall) that is within the boundaries of a designated '**Regional Center**' in the Imagine Austin Comprehensive Plan.

The applicant agrees with the City Council's recommendation at 1<sup>st</sup> reading.

**DATE OF FIRST READING/VOTE:** March 12, 2015 /Approved CS-1-CO zoning on first reading (9-0, P. Renteria-off dais, S. Gallo-absent); D. Zimmerman-1<sup>st</sup>, O. Houston-2<sup>nd</sup>.

**CITY COUNCIL DATE:** April 16, 2015

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Sherri Sirwaitis

**PHONE:** 512-974-3057

sherri.sirwaitis@ austintexas.gov

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0199 (Lakeline Plaza-Total Wine & More)     **Z.A.P. DATE:** February 17, 2015

**ADDRESS:** 11066 Pecan Park Boulevard

**DISTRICT AREA:** 6

**OWNER/APPLICANT:** Nathan-Jeffrey LLC & Jefan Trust

**AGENT:** Armbrust & Brown (Eric deYoung)

**ZONING FROM:** CS

**TO:** CS-1

**AREA:** 0.8355 acres  
(36,394 square feet)

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-1-CO, Commercial- Liquor Sales-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit the cocktail lounge use on the property.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

2/17/15: Approved staff's recommendation of CS-1-CO zoning by consent (6-0, J. Goodman-Not yet arrived); P. Seeger-1<sup>st</sup>, C. Banks-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is a large suite located within a commercial shopping center (Lakeline Market) near the northwestern intersection of North State Highway 45/North FM 620 and U.S. Highway 183 North. The applicant is requesting 'CS-1' zoning at this site because they would like to redevelop the space with a liquor store and retail sales use (Total Wine & More).

The staff is recommending the applicant's request for a footprint of 'CS-1' zoning because the proposed location meets the intent of the Commercial-Liquor Sales district as the property is surrounded by retail sales, restaurant and personal services uses within an existing commercial center and fronts onto a major arterial roadway, U.S. Highway 183 North. The 'CS-1' zoning district would be compatible and consistent with the surrounding zoning/land uses because there is CS zoning surrounding the property to the north, south and west and GR, CS-1-CO and CH zoning located across U.S. Highway 183 to the east. The Commercial-Liquor Sales zoning district is the appropriate designation for a property located at the intersection of two arterial roadways within an area of intense commercial and retail development (Lakeline Mall) that is within the boundaries of a designated '**Regional Center**' in the Imagine Austin Comprehensive Plan.

The applicant agrees with the staff recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS	Vacant Suite with Lakeline Market Commercial Center (Formerly Toys 'R Us)
<i>North</i>	CS	Retail, Restaurant, Personal Services uses (Lakeline Market Commercial Center), across Lakeline Mall Drive: Serranos Restaurant, Homestead Shopping Center
<i>South</i>	CS	Retail Sales and Personal Services uses (Lakeline Market Commercial Center)
<i>East</i>	GR, CS-1-CO, CS	U.S. Highway 183 North, Commercial Center (Northfork Plaza Shopping Center)
<i>West</i>	CS, GR	Retail Sales and Personal Services uses (Lakeline Market Commercial Center), across Pecan Park Boulevard: Lakeline Mall Shopping Center

**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  
Davis Springs HOA  
SELTEXAS  
Sierra Club, Austin Regional Group

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2012-0154 (Lakeline Market: 14016 North U.S. Highway 183 Service Road)	CH to GR	1/15/13: Approved staff's recommendation of GR zoning by consent (6-0, P. Seeger-absent); G. Rojas-1 <sup>st</sup> , S. Compton-2 <sup>nd</sup> .	2/14/13: Approved GR zoning on all 3 readings (6-0, M. Martinez-off the dais); B. Spelman-1 <sup>st</sup> , C. Riley-2 <sup>nd</sup> .
C14-2008-0080 (Lakeline Hotel: 11225 Pecan Park Boulevard)	GR to CH	5/20/08: Approved staff's recommendation for CH district zoning by consent (7-0, J. Martinez- absent); K. Jackson-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	7/24/08: Approved CH district zoning by consent (5-0, Code and Shade-off the dais)
C14-2007-0215 (Lakeline Riviera Zoning: 2920 ½ South Lakeline Boulevard)	MF-3to GR-MU	11/20/07: Approved staff's recommendation of GR-MU-CO zoning, with CO for 2,000 vtlpd, by consent (7-0, S. Hale-absent)	12/13/07: Approved GR-MU-CO zoning by consent (6-0, McCracken-off dais); all 3 readings
C14-2007-0046 (Wolf Hester)	DR to GR	6/05/07: Approved GR-CO with condition to prohibit Pawn	6/26/08: Approved GR-CO by consent on all 3 readings (6-0); J.

Tract: 14000 U.S. Highway 183 North)		Shops by consent (7-0, S. Hale, J. Martinez-absent); J. Pinnelli-1 <sup>st</sup> , J. Shieh-2 <sup>nd</sup> .	Kim-1 <sup>st</sup> , B. Dunkerely-2 <sup>nd</sup> .
C14-03-0046 (Northfork Plaza: 13945 U.S. Highway 183 North)	DR to GR	3/25/03: Approved staff's recommendation of GR zoning by consent (7-0, K. Jackson-not yet arrived, J. Martinez-absent)	4/24/03: Granted GR on all 3 readings (6-0-1, Garcia-absent)
C14-95-0146	MF-3 to GR	4/02/96: Approved staff rec. of GR by consent (7-0)	7/11/96: Approved GR (7-0); 1 <sup>st</sup> reading  6/26/97: Approved GR (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-95-0196, C14-95-0197 (Previous Zoning Cases)

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
US Highway 183	Varies	Varies	Freeway	Yes	Yes	Yes

**CITY COUNCIL DATE:** March 12, 2015

**ACTION:** Approved CS-1-CO zoning on first reading (9-0, P. Renteria-off dais, S. Gallo-absent); D. Zimmerman-1<sup>st</sup>, O. Houston-2<sup>nd</sup>.

April 16, 2015

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 3/12/15

2<sup>nd</sup>

3<sup>rd</sup>

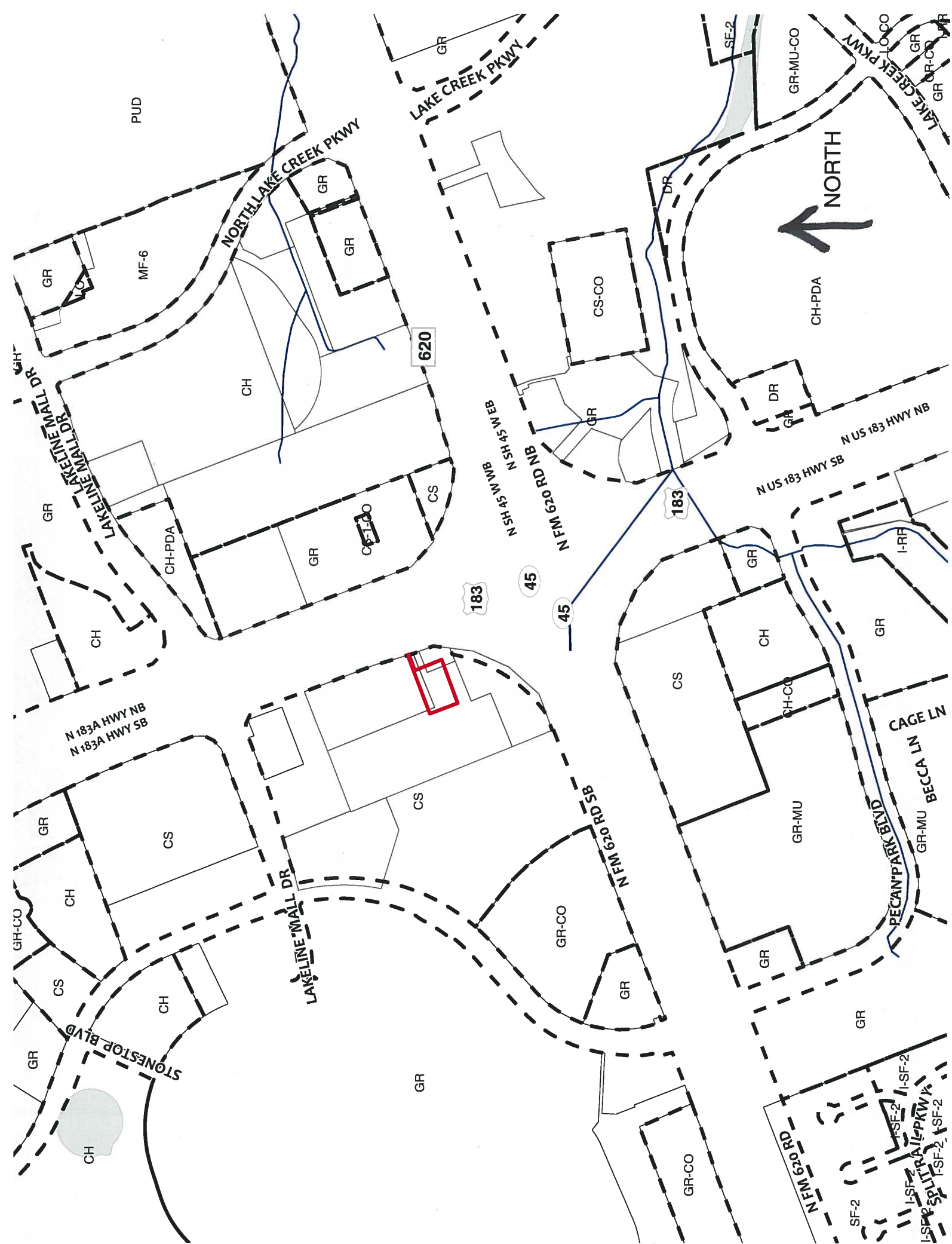
**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

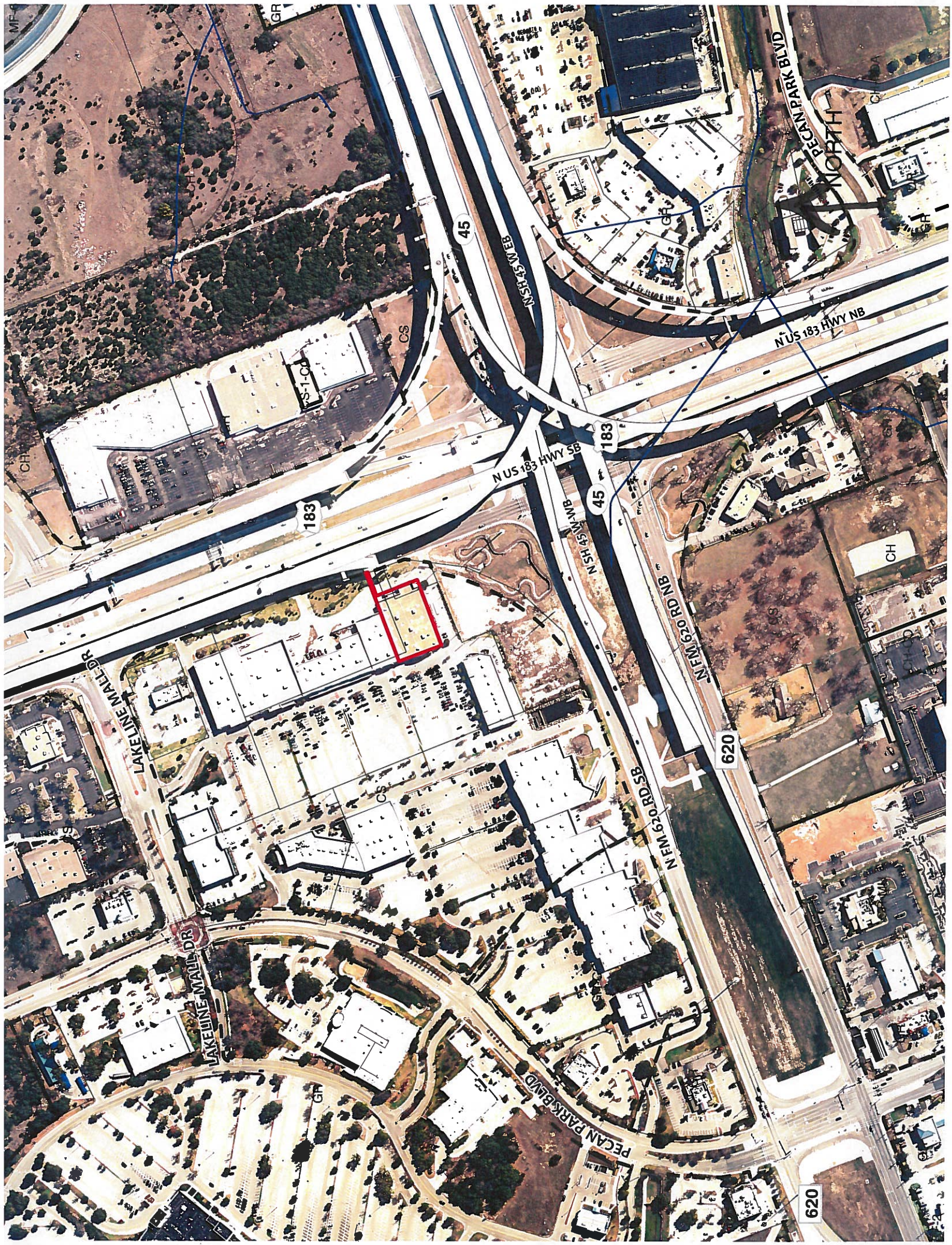
**PHONE:** 512-974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)


$$1'' = 400'$$











## STAFF RECOMMENDATION

The staff's recommendation is to grant CS-1-CO, Commercial- Liquor Sales-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit the cocktail lounge use on the property.

## 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 an arterial roadway. 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.*

CS-1-CO zoning will promote consistency and orderly planning as it will be compatible with surrounding commercial uses. The property in question is a vacant suite that is surrounded by retail sales, restaurant, personal services and office uses. There is CS zoning located to the north, south and west and GR, CS-1 and CH zoning located to the east, across U.S. Highway 183 North. The property is also located within the boundaries of a '**Regional Center**', as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan.

3. *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 intersection of two arterial roadways, U.S. Highway 183 and North F.M. 620 Road/North State Highway 45 West.

## EXISTING CONDITIONS

### Site Characteristics

The site is an undeveloped suite located with a developed commercial shopping center (Lakeline Market: Rooms to Go, Bed Bath and Beyond, Tex Mex Café, Best Buy, Petsmart, etc.) near the northwestern intersection of North State Highway 45/North FM 620 and U.S. Highway 183 North. To the north of Lakeline Market, across Lakeline Mall Drive, there is a restaurant (Serranos Restaurant) and a commercial center (Homestead Shopping Center: Barnes and Noble Booksellers, Petsmart, Pier 1 Imports, etc.). The property to the west, across Pecan Park Boulevard, is developed with Lakeline Mall Shopping Center. Across U.S. Highway 183, to the east, is another retail center (Northfork Plaza Shopping Center: Factory Mattress, Strait Music, Gold's Gym, Tan Etc, Sport Clips, Muang Thai Restaurant, Chair King, Fast Eddie's Pool Hall, Austin School of Music etc.).



## **Comprehensive Planning**

CS to CS-1

This zoning case is located on the southeast side of Pecan Park Blvd., approximately 220 ft. south of Lakeline Mall Drive, and a quarter of a mile from the convergence of IH-183, SH-620 and IH-45. Lakeline Mall is located to the west. The subject property, which is approximately .835 acres in size and contains an existing 32,000 sq. ft. building, is located within a shopping center containing a variety of stores and restaurants and is not located within the boundaries of a neighborhood planning area. Surrounding land uses include other stores, restaurants and Lakeline Mall. The proposed use is a wine/liquor store.

### **Imagine Austin and Conclusions**

The site is located over the Edwards Aquifer Recharge Zone, as identified on the Imagine Austin's Environmental Resources Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer.

The property is also located within the boundaries of a '**Regional Center**', as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location.

Based on the comparatively scale of this site relative to other intense commercial land uses surrounding this property, this project falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning. However, due to the site's location in an environmentally sensitive area, there will be at 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.

### **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 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%

Note: The most restrictive impervious cover limit applies.

### **Site Plan Comments**

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.

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

### **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**

No additional right-of-way is needed at this time.

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this



area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

US Highway 183 is classified in the Bicycle Plan as Bike Route No. 417.

Capital Metro bus service (Route No. 986) is available along US 183.

There are existing sidewalks along US 183.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
US Highway 183	Varies	Varies	Freeway	70,000

**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, water or wastewater easements, 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.