

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0110 (Dakota Place)

ZAP DATE: September 15, 2015

DISTRICT AREA: 6

ADDRESS: 8516 Anderson Mill Road

OWNER/APPLICANT: Dakota Plaza Baceline, LLC (Johnathan Ruby)

AGENT: McLean & Howard, LLP (Jeffrey Howard)

ZONING FROM: I-RR

TO: GR

AREA: 2.727 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day, will allow for Personal Improvement Services as the only permitted GR district use, will allow for all other LR district permitted uses and will limit the site to LR district site development standards as stated in LDC, Sec. 25-2-492.

In addition, if the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Anderson Mill Road and 32 feet of right-of-way should be dedicated from the centerline of Morris Road through a street deed prior to third reading of the case at City Council in accordance with the Transportation Plan and the Transportation Criteria Manual. *

*Based on new information recently received for this case, no additional right-of-way will be needed at this time. However, additional right-of-way for Anderson Mill Road and Morris Road may be required in the future based on any proposed additions or new redevelopment.

ZONING & PLATTING COMMISSION RECOMMENDATION:

9/15/15: Approved staff's recommendation of GR-CO district zoning, with clarification that no additional ROW is required at this time, on consent (11-0); T. Weber-1st, L. Brinsmade-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a commercial center that fronts Anderson Mill Road (Dakota Plaza). The lot to the east contains a telecommunication tower with support structure and an office/warehouse use (Austin Auction). The lots to the west are part of a single-family residential neighborhood. To the north of the site there is a religious assembly use (Austin Vineyard Church). Across Anderson Lane, to the south, there is a multifamily use (IMT Anderson Mill Apartments). In this request, the applicant is asking to zone the property to GR, Community Commercial District, zoning to bring the existing uses on the site into conformance with City of Austin Land Use regulations.

The staff is recommending GR-CO, Community Commercial-Conditional Overlay District, zoning for the property under consideration. The proposed GR-CO zoning will allow for low intensity office and commercial uses on a lot that front onto an arterial roadway, Anderson Mill Road. GR-CO zoning will permit the applicant to develop and maintain limited commercial uses on a property

adjacent to the residential neighborhoods to the east and west and the religious assembly use to the north. The proposed zoning will permit the applicant to bring the existing uses on the site into conformance the land use regulations in the City of Austin Code.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Retail Center (Dakota Plaza: MAXIM, Aim & Focus Karate, Austin Gymnastics Club, Anderson Day Spa, Central Donut, Best Kuts, Anytime Fitness)
<i>North</i>	I-RR	Religious Assembly (Austin Vineyard Church)
<i>South</i>	I-RR	IMT Anderson Mill Apartments
<i>East</i>	I-RR	Office/Warehouse use (Austin Auction)
<i>West</i>	I-SF-2	Single-Family Residences

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:

Austin Heritage Tree Foundation
 Austin Northwest Association
 Friends of Austin Neighborhoods
 Neighborhood Association of Southwest Williamson County
 SELTEXAS
 Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0107 (Fredrickson 1.5: 8410 Anderson Mill Road)	I-RR to W/LO	8/05/14: Approved staff recommendation of W/LO-CO zoning with ROW condition by consent (5-0, C. Banks and R. McDaniel-absent); P. Seeger-1 st , S. Compton-2 nd .	8/28/14: Approved W/LO-CO zoning, with conditions, on consent on first reading (7-0); B. Spelman-1 st , L. Morrison-2 nd . 9/25/14: Approved W/LO-CO zoning, with conditions, on consent on 2 nd /3 rd readings (7-0); B. Spelman-1 st , L. Morrison-2 nd .

C14-2011-0073 (Villages at Turtle Rock: 12800 Turtle Rock Road)	I-RR to MF-3	8/16/11: Approved staff's recommendation of MF-3-CO zoning, with CO to limit development on the site to less than 2,000 vehicle trips per day, by consent (6-0, G. Rojas-absent); D. Tiemann-1 st , G. Bourgeois-2 nd .	9/22/11: Approved MF-3-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-2011-0072 (8915 Anderson Mill Road)	I-RR to GR-MU	8/16/11: Approved staff's recommendation of LR-MU-CO zoning, with CO to limit development on the site to less than 2,000 vehicle trips per day, by consent (6-0, G. Rojas-absent); D. Tiemann-1 st , G. Bourgeois-2 nd .	9/22/11 : Approved LR-MU-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-06-0236 (13201 Pond Springs Road)	I-RR to CS-1	5/15/07: Approved staff rec. of GR-CO and CS-1-CO (7-0)	6/08/07: Approved for GR-CO for Tract 1 and CS-1 for Tract 2 (7-0); all 3 readings
C14-06-0157 (Pond Springs Plaza – 13233 Pond Springs Road)	I-SF-2 to Tract 1: CS Tract 2: CS-1	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. 2nd Motion: To rescind and reconsider 1st motion (6-0, J. Shieh-absent; T. Rabago, J. Martinez-off dais); J. Gohil-1st, K. Jackson-2nd. 3rd Motion: To postpone and place on the September 19, 2006 ZAP Agenda (6-0, J. Shieh-absent; T. Rabago, J. Martinez-off dais); J. Gohil-1st, K. Jackson-2nd. 9/19/06: Continued to October 3, 2006 by Zoning and Platting Commission (7-0, J. Martinez, J. Pinnelli-absent); S. Hale-	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). 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

		1st, J. Shieh-2nd. 10/03/06: Postponed to November 7, 2006 by the applicant (7-0, K. Jackson, J. Pinnelli-absent); J. Martinez-1st, S. Hale-2nd. 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 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	
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		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-1 st , S. Hale-2 nd .	
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RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Anderson Mill Road	95'	74'	Arterial	Yes	Yes	No

CITY COUNCIL DATE: October 8, 2015

ACTION: Postponed to November 12, 2015 at the staff's request (10-0, L. Pool-absent); D. Zimmerman-1st, S. Gallo-2nd.

November 12, 2015

ACTION:

ORDINANCE READINGS: 1st

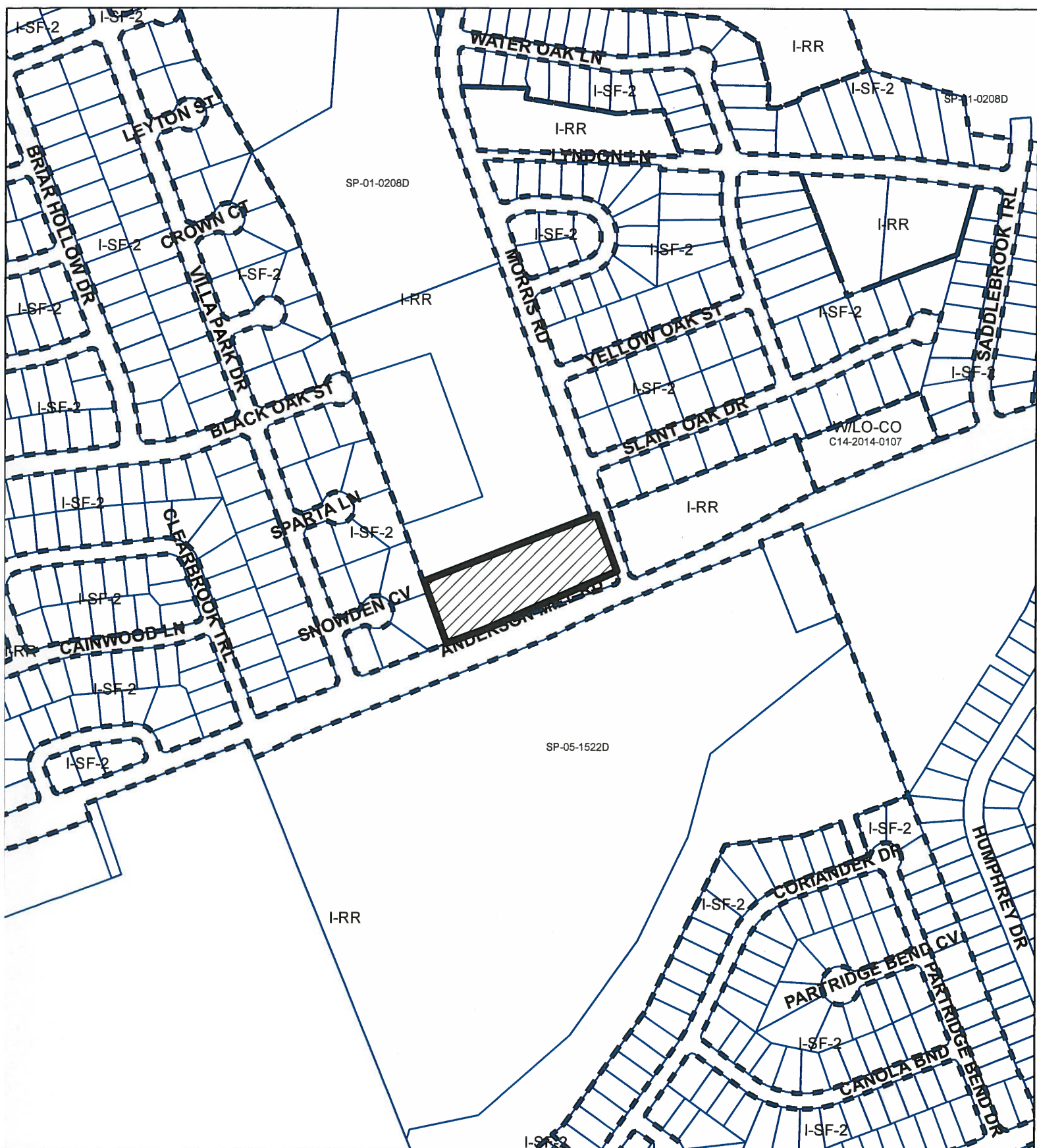
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057
sherri.sirwaitis@austintexas.gov



ZONING **ZONING CASE#: C14-2015-0110**

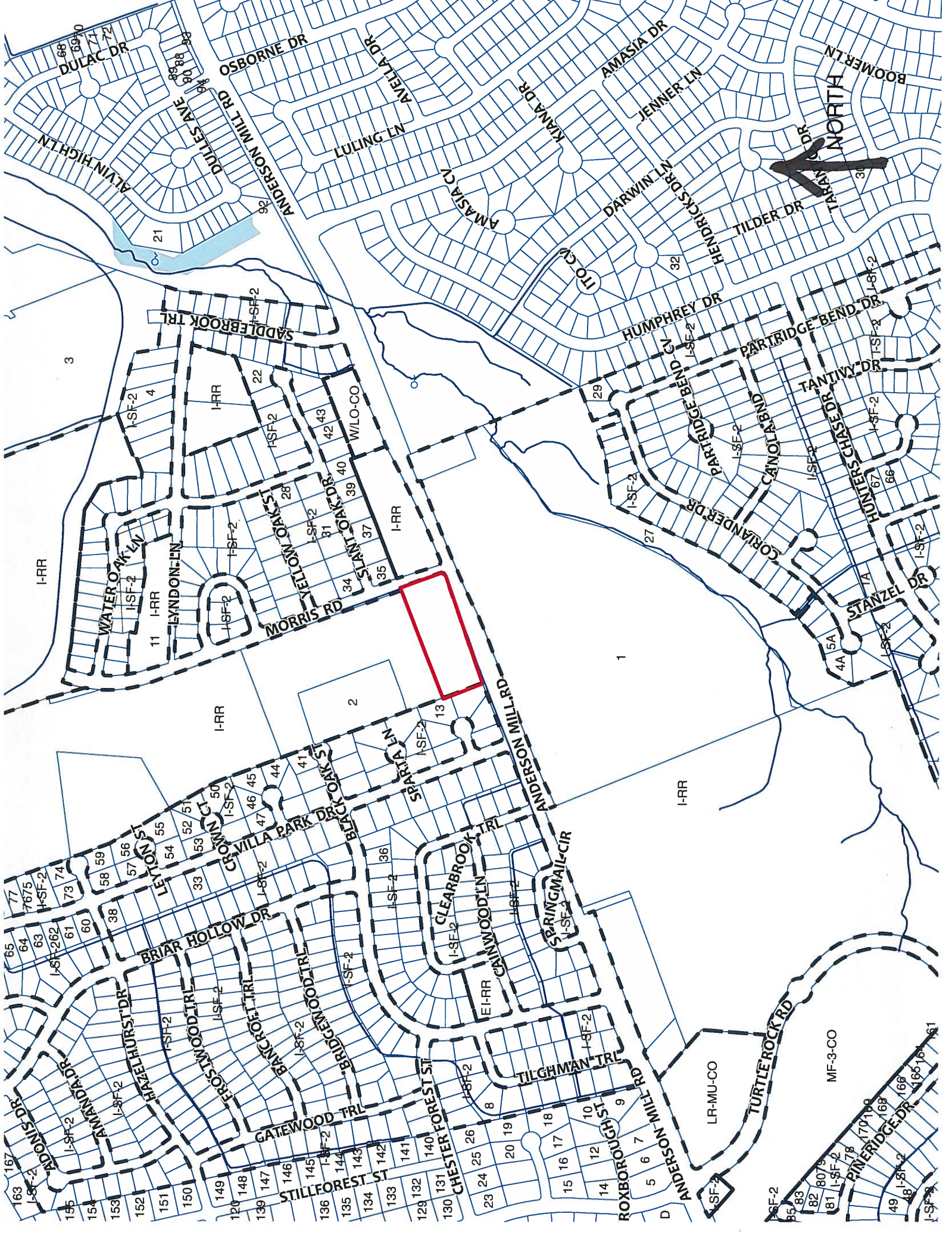
-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1"=400'

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STAFF RECOMMENDATION

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day, will allow for Personal Improvement Services as the only permitted GR district use, will allow for all other LR district permitted uses and will limit the site to LR district site development standards.

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.

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

GR-CO zoning will promote consistency and orderly planning as it will allow for low density office and commercial uses that will provide services to the residential developments to the south, east and west.

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 as it will permit the applicant to develop and maintain limited commercial uses on a property adjacent to the residential neighborhoods to the east and west and the religious assembly use to the north. The proposed zoning will permit the applicant to bring the existing uses on the property into conformance the land use regulations in the City of Austin Code.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is developed with a commercial retail center that fronts Anderson Mill Road (Dakota Plaza). The lot to the east contains a telecommunication tower with support structure and an office/warehouse use (Austin Auction). The lots to the west are part of a single-family residential neighborhood. To the north of the site there is a religious assembly use (Austin Vineyard Church). Across Anderson Lane, to the south, there is a multifamily use (IMT Anderson Mill Apartments).

Comprehensive Planning

RR to GR

This zoning case is located on the northwest corner of Anderson Mill Road and Morris Road, contains a retail shopping center situated on a 2.7 acre parcel, and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a church to the north, vacant land and a large multi-building apartment complex to the south, an auction house to the east, and a single family subdivision to the west. The proposal is to obtain commercial zoning for the existing shopping center.

Imagine Austin

The site is located over the Edwards Aquifer Recharge Zone. 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. Based on the comparative scale of the site relative to other commercial uses located along this portion of this heavily travelled corridor, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

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 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

By rezoning this site to GR (Community Commercial), it will be subject to *Subchapter E: Design Standards and Mixed Use*. The Principal Roadway will be Anderson Mill Road, which is considered an Urban Roadway for Subchapter E design purposes.

Compatibility standards will be in effect as triggered by the SF-5 or more restrictive properties located to the east and west of the subject site. These standards include:

- All structures, parking areas and driveways shall maintain a setback of twenty-five (25) feet from property lines adjacent to an SF-5 or more restrictive use or district (Section 25-2-1067).
- The front building line setback along Anderson Mill Road shall maintain a twenty-five (25) foot setback from the right-of-way as this tract abuts property zoned or used as SF-5 or more restrictive which fronts on the same street (Section 25-2-1064).
- The maximum height of any structure between twenty-five (25) and fifty (50) feet from properties zoned or used as SF-5 or more restrictive will be limited to thirty (30) feet or two stories. Between fifty (50) and one hundred (100) feet, the height will be limited to forty (40) feet or three stories.

Additional comments will be generated upon submittal of site plans for any development proposed to be constructed on this site.

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

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Anderson Mill Road. If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Anderson Mill Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).*

If the requested zoning is recommended for this site, 32 feet of right-of-way should be dedicated from the centerline of Morris Road in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.*

*Based on new information recently received for this case, no additional right-of-way will be needed at this time. However, additional right-of-way for Anderson Mill Road and Morris Road may be required in the future based on any proposed additions or new redevelopment.

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

Anderson Mill Road is classified in the Bicycle Plan as Bike Route No. 110. Morris Road is not classified in the Bicycle Plan.

Capital Metro bus service is not available along Anderson Mill Road and Morris Road.

There are existing sidewalks along Anderson Mill Road and along a section on the west side of Morris Road.

Nathan Wilkes and Eric Dusza with the Public Works Dept. may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Anderson Mill Road	Varies	MAD-4	Arterial	18,207
Morris Road	Varies	22'	Collector	N/A

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.