

ZONING CHANGE REVIEW SHEET**CASE:** C14-2015-0155 (Luby's)**Z.A.P. DATE:** January 5, 2016**ADDRESS:** 13817 North U.S. Highway 183 North Bound**DISTRICT AREA:** 6**OWNER/APPLICANT:** Luby's Fuddruckers Restaurants, LLC (Bill Gordon)**AGENT:** W. M. Faust (Bill Faust)**ZONING FROM:** GR, DR**TO:** GR**AREA:** 2.043 acres**SUMMARY STAFF RECOMMENDATION:**

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

ZONING AND PLATTING COMMISSION RECOMMENDATION:**DEPARTMENT COMMENTS:**

The property in question is developed with a restaurant use (Luby's Cafeteria). The applicants are requesting GR zoning at this site because they would like to bring the existing use into conformance with City of Austin land use regulations.

The staff is recommending the applicant's request for GR zoning because the property meets the intent of the Community Commercial District as it has frontage along a state maintained highway, North U.S. Highway 183. The GR zoning district would be consistent with the surrounding uses because there is existing GR zoning located to the north and east and CH-PDA zoning located to the south and west. The proposed zoning is compatible with the commercial character of this area of the city.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR, DR	Restaurant (Luby's Cafeteria)
<i>North</i>	GR	Medical Services (PROMED Clinic), Financial Services (Austin TELCO)
<i>South</i>	CH-PDA	Office (Tower of the Hills Office Building: Independence Title, Chase Bank, etc.)
<i>East</i>	GR	Undeveloped Tract, Office (Lake Creek Center)
<i>West</i>	CH-PDA	Parking Garage

AREA STUDY: N/A**TIA:** Not Required at this Time

WATERSHED: Lake Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Anderson Mill Neighborhood Association
 Austin Heritage Tree Foundation
 Austin Northwest Association
 Bike Austin
 Friends of Austin Neighborhoods
 Long Canyon Homeowners Association
 Neighborhood Association of SW Williamson County
 SELTEXAS
 Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0089 (CBL Walden Park: 13300 North FM 620 Road)	GR to CH	9/06/11: Approved the staff's recommendation of CH district zoning on consent (5-0, S. Baldrige-absent); P. Seager-1 st , C. Banks-2 nd .	10/06/11: Approved CH zoning on consent on all 3 readings (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-2010-0085 (Northfork Plaza Shopping Center: 13945 U.S. Highway 183 North)	GR to CS-1	8/17/10: Approved CS-1-CO zoning by consent, with the following conditions agreed to by the applicant and the neighborhood: prohibit Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Bail Bond Services, Commercial Blood Plasma Center and Transitional Housing (6-0, P. Seeger-absent); D. Tiemann-1 st , G. Bourgeois-2 nd .	8/26/10: Approved first reading for CS-1- CO zoning on consent, with the following prohibited uses: drop off recycling, adult oriented businesses, bail bond services, commercial blood plasma centers and transitional housing (7-0); Spelman-1 st , Martinez-2 nd . 9/30/10: Approved CS-1-CO zoning by consent on 2 nd /3 rd readings (7-0); Spelman-1 st , Martinez-2 nd .
C14-2008-0091 (2W Homestead Zoning: 14000 Block of U.S. HWY 183 N)	GR-CO, CS to CH	5/20/08: Approved staff's recommendation for CH district zoning by consent (7-0, J. Martinez-absent); K. Jackson-1 st , T. Rabago-2 nd .	7/24/08: Approved CH district zoning by consent (5-0, Cole and Shade-off the dais)
C14-2007-0046 (Wolf Hester Tract: 14000 U.S. Highway 183 North)	DR to GR	6/05/07: Approved GR-CO with condition to prohibit Pawn Shops by consent (7-0, S. Hale, J. Martinez-absent); J. Pinnelli-1 st , J. Shieh-2 nd .	7/26/07: Approved GR-CO by consent on all 3 readings (6-0); J. Kim-1 st , B. Dunkerely-2 nd .
C14-05-0140 (Hutto Place, L.P.: U.S.	CS-1-CO to GR	9/06/05: Approved staff's recommendation of GR zoning by consent (9-0); J. Martinez-1 st ,	10/06/05: Approved GR zoning by consent (7-0); all 3 readings

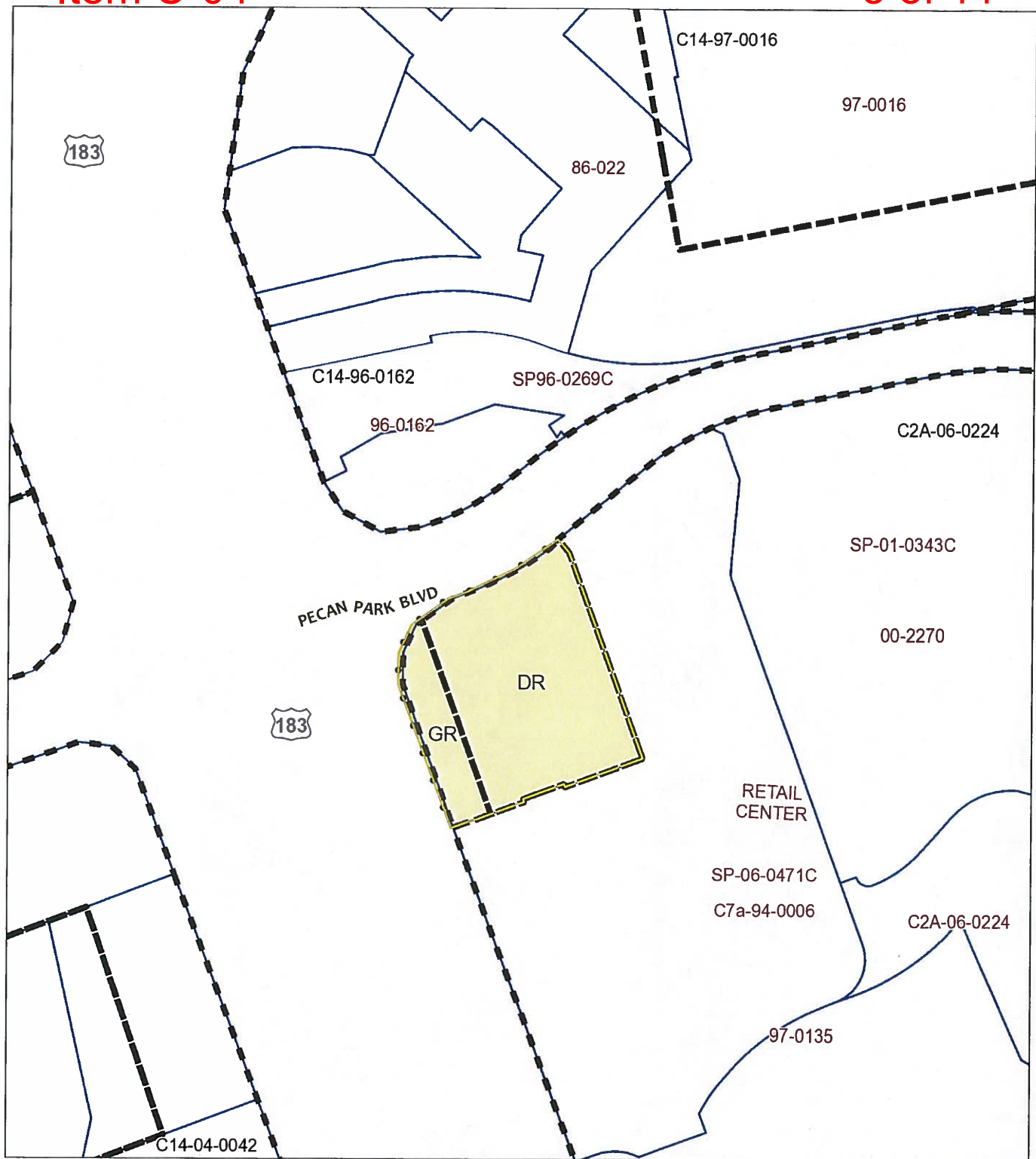
Highway 183 North at Lakeline Mall Drive)		J. Gohil-2 nd .	
C14-05-0006 (Hutto Place, L.P.: Lakeline Mall Drive & Highway 183 North)	GR to CS-1	2/15/05: Approved staff's recommendation of CS-1-CO on consent with the following additional conditions: 1) Limit size of structure to 12,000 sq. ft., 2) Prohibit Pawn Shop Services, Commercial Blood Plasma Center, Exterminating Services, Restaurant (General) and Cocktail Lounge. Vote: (8-0, K. Jackson-absent)	3/10/05: Approved CS-1-CO on all 3 readings (7-0)
C14-04-0121 (Northfork Plaza: 13945 U.S. Highway 183 North)	DR, GR to GR	9/7/04: Approved staff's recommendation of GR zoning by consent (8-0, J. Martinez-absent); J. Gohil-1 st , T. Rabago-2 nd .	9/30/04: Granted GR zoning (7-0); all 3 readings
C14-03-0048 (Highland Resources, Inc.: U.S. HWY 183 North and FM 620 Road North)	DR to GR	4/1/03: Approved staff's recommendation of GR zoning by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	5/08/03: Granted GR on 3 readings (7-0)
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); M. Whaley-1 st , J. Gohil-2 nd .	3/24/03: Granted GR on all 3 readings (6-0-1, Garcia-absent)
C14-01-0173	DR to GR	1/15/02: Approved GR-CO, w/ condition prohibiting Pawn Shops (8-0)	2/14/02: Approved GR-CO (7-0); all 3 readings
C14-00-2094	DR to GR	7/11/00: Approved staff rec. of GR-CO by consent (7-0)	8/17/00: Approved GR w/ conditions on 1 st reading (6-0, Goodman-absent) 8/31/00: Approved 2 nd /3 rd readings (6-0, KW-absent)
C14-00-2148	GO to GR	8/15/00: Approved staff rec. of GR by consent (7-2, RC/JM-Nay)	9/28/00: Approved GR (7-0); all 3 readings
C14-99-2110	DR, SF-2 to CS	3/28/00: Approved staff rec. of GR by consent (5-0)	5/18/00: Approved PC rec. of GR (6-0); all 3 readings

RELATED CASES: C14-97-0135 (Previous Zoning Case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
US Hwy 183	400'	252'	Freeway	Yes	No	No
Pecan Park Blvd	114'	74'	Collector	Yes	Yes	Yes

CITY COUNCIL DATE: February 11, 2016**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Sherri Sirwaitis**PHONE:** 512-974-3057,
sherri.sirwaitis@austintexas.gov



- Subject Tract
- Railroads
- Pending Case
- Zoning Boundary

100 200
Feet

1" = 200'

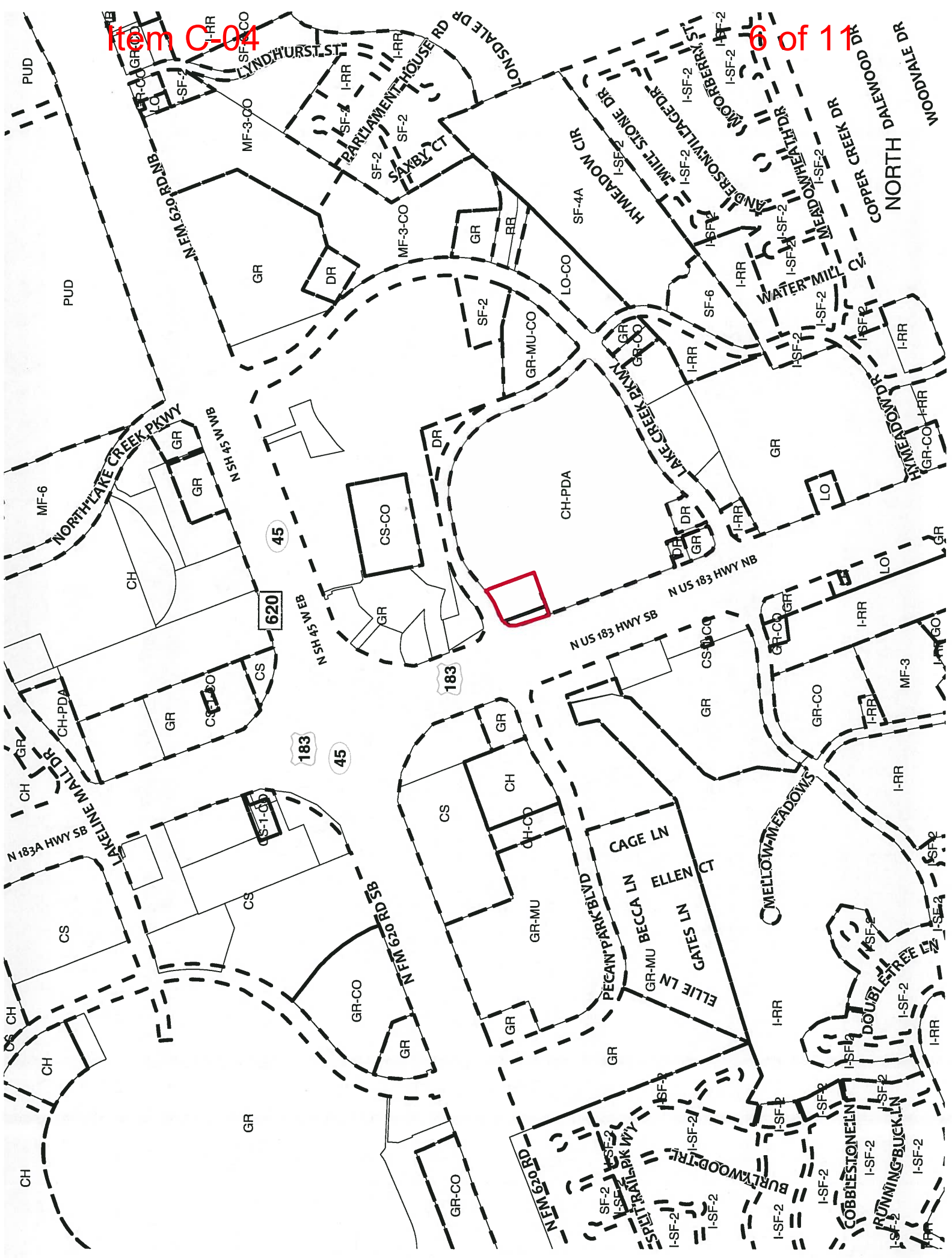
ZONING

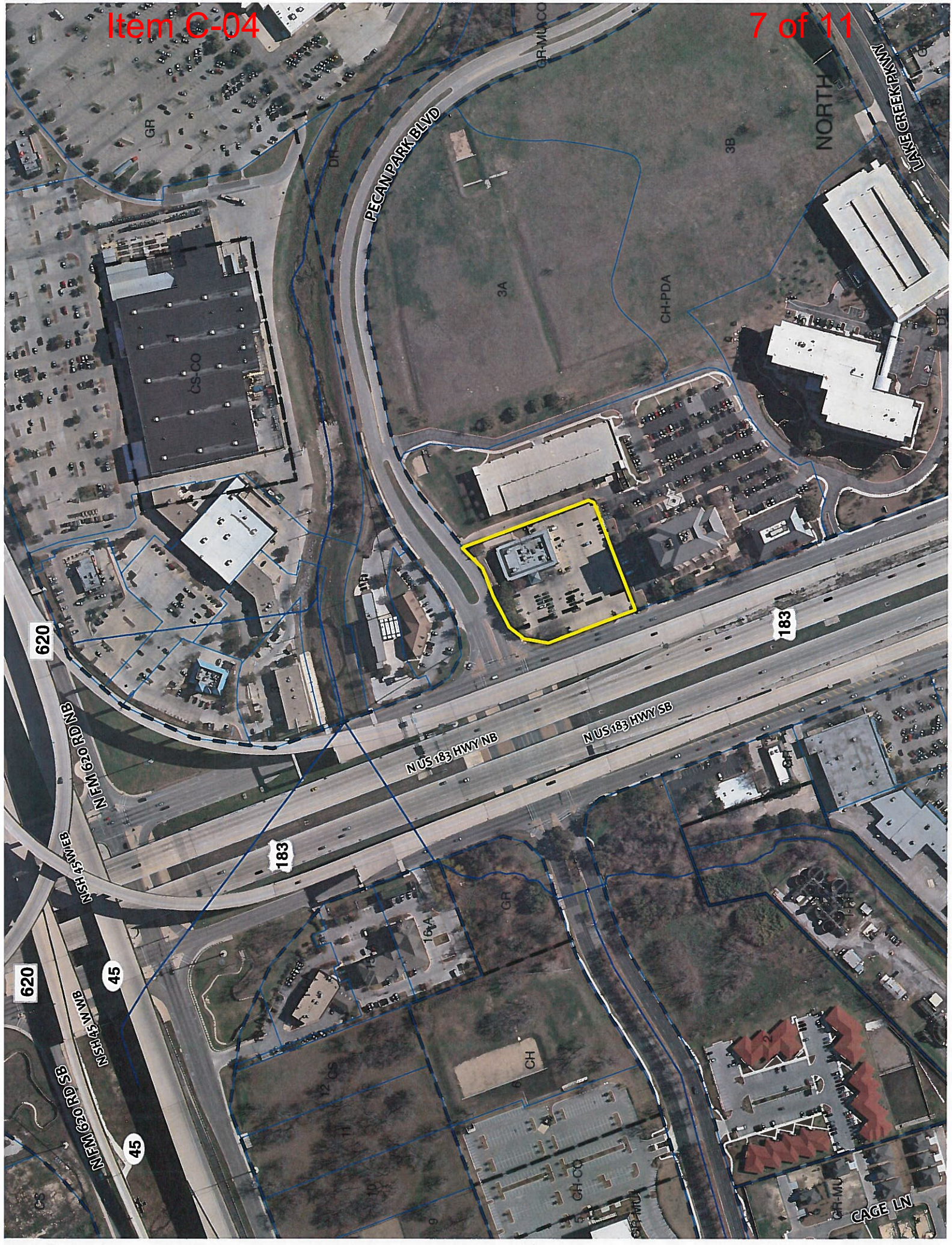
ZONING CASE#: C14-2015-0155



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STAFF RECOMMENDATION

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

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

GR zoning would be consistent with the surrounding uses because there is existing GR zoning located to the north and east and CH-PDA zoning located to the south and west. The proposed zoning is compatible with the commercial character of this area of the city.

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

The GR zoning district would allow for a fair and reasonable use of the site as it will permit the applicant to bring the existing use 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 restaurant use (Luby's Cafeteria). The property to the north, across Pecan Park Boulevard, is developed with a medical services use (PROMED Clinic) and a financial services use (Austin TELCO). To the south there is an office building (Tower of the Hills). The land to the west is developed with a parking garage that serves the office Tower of the Hills structure. To the east, on the other side of U.S. Highway 183, there is an undeveloped tract of land and an office complex (Lake Creek Center).

Comprehensive Planning

DR to GR

This zoning case is located on the southeast corner of Research Boulevard and Pecan Park Boulevard. The subject property is approximately 2 acres in size and contains a restaurant. This rezoning is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes an urgent care center to the north, a multi-story office building to the south, a multi-story parking garage to the east, and US Hwy 183/Research Boulevard to the west. The proposed use is auto sales.

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.

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, where the greatest density of people and jobs and the tallest buildings in the region will be located. The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Analysis and Conclusion

While this project is situated within the boundaries of a Regional Center, based on the comparatively scale of this site relative to other commercial land uses abutting this property, this case falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning. However, staff has also noted that there is no sidewalk to connect to the existing lighted crosswalk going across Pecan Park Boulevard or to the crosswalk going across the Research Blvd. frontage road. It is hoped in the near future that the developer install a sidewalk along Research Blvd., and complete Pecan Park Boulevard sidewalk to foster connectivity and walkability in this area. Additionally, 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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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 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%

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.

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 maybe required at the time of subdivision and/or site plan.

A traffic impact may be required at the time of site plan [LDC, Sec. 25-6-142].

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a buffered bike lane is recommended for US Hwy 183 and a bike lane exists and is recommended for Pecan Park Blvd.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
US Hwy 183	400'	252'	Freeway	Yes	No	No
Pecan Park Blvd	114'	74'	Collector	Yes	Yes	Yes

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.