

ZONING CHANGE REVIEW SHEET**CASE:** C14-2015-0166 – Cherry Creek Commercial**P.C. DATE:** February 9, 2016**ADDRESS:** 2716 West William Cannon Drive**DISTRICT AREA:** 5**OWNER/APPLICANT:** Anchor Equities, Ltd.
(Jimmy J. Nassour)**AGENT:** Alice Glasco Consulting
(Alice Glasco)**ZONING FROM:** GR-NP**TO:** CS-1-NP**AREA:** 0.09 acres
(3,927 square feet)**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial – liquor sales – neighborhood plan (CS-1-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

February 9, 2016:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The rezoning request is for a vacant, single story 3,927 square foot commercial building adjacent to a single-story commercial shopping center located at the northwest corner of Westgate Boulevard and West William Cannon Drive (GR-NP). There is a landscaped median dividing the east and west lanes of William Cannon, and vehicular access to the site is limited to a right-in, right-out turn out. This site does not have direct vehicular access to the shopping center or to the adjacent restaurant and gas station / convenience store located at the intersection of Deatonhill Drive (GR-NP). There are condominiums that access Deatonhill adjacent to the northwest (GR) and apartments on the south side of William Cannon (LO; GR). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant proposes commercial – liquor sales – neighborhood plan (CS-1-NP) district zoning in order to occupy the building with a liquor sales use. Staff recommends the Applicant's request given its location within an area which contains a mix of commercial uses and takes its access to an arterial roadway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-NP	Vacant commercial building
<i>North</i>	GR-NP	Commercial shopping center with automotive repair, restaurants, retail, financial services, personal improvement services, personal services
<i>South</i>	LO; GR	Apartments; Bowling alley
<i>East</i>	GR-NP; CS-1-NP	Commercial shopping center with automotive repair, restaurants, retail, financial services, personal improvement services, personal services; Liquor sales (2,300 s.f.)
<i>West</i>	GR-NP	Service station w/food sales; Restaurant; Condominiums

NEIGHBORHOOD PLANNING AREA: South Austin Combined (Garrison Park)

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Sunset Valley Elementary School Covington Middle School Crockett High School

NEIGHBORHOOD ORGANIZATIONS:

12 – Brodie Lane Homeowners Association	511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association	
742 – Austin Independent School District	943 – Save Our Springs Alliance
Sierra Group, Austin Regional Group	1228 – 1340 – Austin Heritage Tree Foundation
1363 – SEL Texas	1424 – Preservation Austin
1429 – Go! Austin/Vamos! Austin (GAVA)-78745	
1447 – Friends of the Emma Barrientos MACC	1528 – Bike Austin
1530 – Friends of Austin Neighborhoods	

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0128 – Vistas of Western Hills – 2910 W William Cannon Dr	SF-2 to MF-2	To Grant MF-2-CO w/CO for 2,000 trips/day and a Street Deed for r-o-w on	Apvd MF-2-CO w/Street Deed as Commission recommended (02-12-

		William Cannon Dr	2015).
C14-95-0106 – Jubilee Christian Center – 2903-3011 Block of W William Cannon Dr	SF-2 to LO	To Grant LO-CO with conditions	Apvd LO-CO w/CO for 2,000 trips/day (4-11-1996).
C14-95-0109 – 2900-3200 Block of W William Cannon Dr	SF-2 to RR	To Grant RR-CO	Apvd RR-CO w/CO prohibiting community recreation (private and public), club or lodge, kennels, safety services, stables and telecommunications tower (6-27-1996).
C14-94-0147 – Cherry Creek – 2900-3200 William Cannon Dr (even #s).	SF-2 to MF	Apvd MF-2-CO w/conds & direct Staff to initiate rezoning on adjacent greenbelt area zoned SF-2 (see C14-95-0109)	Apvd MF-2-CO w/CO for 12.44 units per acre (8-03-1995).
C14-82-109 – B. R. Willeford – 6800 Westgate Blvd	GR to C-1	Apvd	To Grant C-1 (8-26-1982).

RELATED CASES:

In June 1974, GR district zoning was approved for the north side of William Cannon Drive between Deatonhill Drive and Westgate Boulevard, and includes the rezoning area and the surrounding area (C14-73-240).

The rezoning area is a portion of Lot 1, Amended Plat of the Resubdivision of Lot 1, Cherry Creek Commercial, III-F, a subdivision recorded in July 1988 (C8-88-0054.0A). An administrative site plan which includes the rezoning area was approved in February 28, 2006 (SP-05-1371C – Hillview Center). Please refer to Exhibits B and C.

The rezoning area is within the Garrison Park Neighborhood Planning Area. The property is designated as a Mixed Use Activity Hub/Corridor on the Character District Map, and the proposed rezoning to the CS-1 base district is allowed within the Character District. An –NP combining district was added as part of the Neighborhood Plan Rezoning were approved by Council in November 2014 (C14-2014-0019 – Ordinance No. 20141106-088).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West William Cannon Drive	120 feet	82 feet	Arterial, divided	Yes	Yes	Yes

CITY COUNCIL DATE: March 24, 2016

ACTION:

ORDINANCE READINGS:

1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



RR-CO

SF-3-NP

SF-3-NP

MF-2-CO

SP-05-1501C

73-240

SP-04-1001C.SH

MF-2

78-200

P83-026

MF-2-CO

81-124

73-240

SHOPPING CENT

GR-NP

SP89-0024

CONV. STORE
GAS

AUTO
REPAIR

FOOD
SALES

CS-1

FAST
FOOD

LO-CO

P83-053

LO

73-240

APARTMENTS

73-240

PUD

MF-1

BOWLING
ALLEY GR

SF-3

SF-3

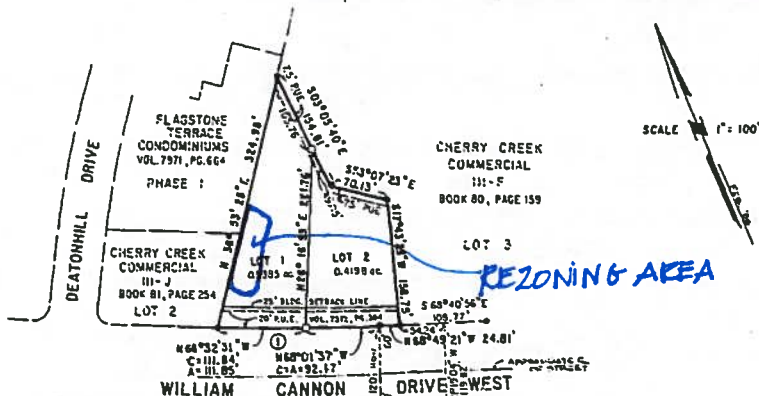
SF-3

LO

SP85-026

Exterior
North

AMENDED PLAT OF THE RESUBDIVISION OF LOT 1, 13 CHERRY CREEK COMMERCIAL III-F

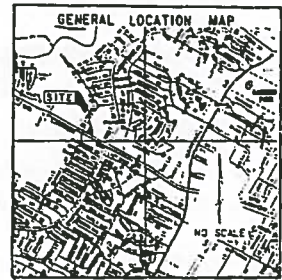


CURVE DATA

1 02° 00' 10"
R 3938.81'
T 102.03'
C 204.00'
A 204.02'

LEGEND

- 1/2" STEEL ROD FOUND
- CONCRETE MONUMENT SET



STATE OF TEXAS:
COUNTY OF TRAVIS:

KNOW ALL MEN BY THESE PRESENTS:
That we, Donald E. Smith and Frank Y. Smith, owners of 0.9583 of one acre of land, situated in the Theodore Bissel League, Travis County, Texas, same being Lots 1, and 2 of the Resubdivision of Lot 1, Cherry Creek Commercial III-F, a subdivision in the City of Austin, of record in Book 87, Page 173A, Plat Records of Travis County, Texas, same being conveyed to us by deed of record in Volume 8593, Page 492, Deed Records of Travis County, Texas, do hereby amend said subdivision for the sole purpose of correcting Note No. 10 which stated, in error, that "This subdivision shall be developed, constructed and maintained in accordance with the terms and conditions of Chapter 13-15 Article II Ordinance Number 860508V,.....", pursuant to Section 5, Article 974a, as amended, Texas Civil Statutes, in accordance with Note No. 10 as shown on this plat, said subdivision to be known as

AMENDED PLAT OF THE RESUBDIVISION OF LOT 1, CHERRY CREEK COMMERCIAL III-F

and do hereby dedicate to the public the use of the streets and easements shown hereon, subject to any easements or restrictions heretofore granted and not released.

WITNESS OUR HANDS, the dates as shown below

Donald E. Smith 6-22-88 Frank Y. Smith 6-22-88
Donald E. Smith Date Frank Y. Smith Date
13740 Research Blvd. 13740 Research Blvd.
Austin, Texas 78750 Austin, Texas 78750

STATE OF TEXAS:
COUNTY OF TRAVIS:

Before me, the undersigned authority, on this day personally appeared Donald E. Smith known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

WITNESS MY HAND AND SEAL OF OFFICE, this the 22nd day of June, 1988 A.D.

Maureen Seitz
Notary Public, State of Texas
Printed Name My Commission Expires 8-5-89

STATE OF TEXAS:
COUNTY OF TRAVIS:

Before me, the undersigned authority, on this day personally appeared Frank Y. Smith known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

WITNESS MY HAND AND SEAL OF OFFICE, this the 22nd day of June, 1988 A.D.

Maureen Seitz
Notary Public, State of Texas
Printed Name My Commission Expires 8-5-89

SURVEYORS NOTE: I, Dennis W. Meonach, an authorized under the laws of the State of Texas to practice the profession of surveying, and hereby certify that this plat complies with Chapter 13-3 of the Austin City Code of 1981, as amended, is true and correct, and was prepared from an actual survey of the property made by me or under my supervision on the ground.

SURVEYED BY: MCGRAY & MCGRAW LAND SURVEYORS, INC.
3301 Hancock Drive, Suite 4
Austin, Texas 78731 451-3591

Dennis W. Meonach 8-16-88
Dennis W. Meonach, Reg. Public Surveyor No. 4335

No portion of this tract is within the boundaries of the 100 Year Flood Plain according to data from the Federal Flood Insurance Administration Firm Panel No. 480624 0095 C dated September 27, 1985, City of Austin, Travis County, Texas.

Conley Engineering:

Carl P. Conley 6-22-88
Carl P. Conley, P.E. 42580, R.P.S. 3160 Date
102 Westlake Drive, Suite 105
Austin, Texas 78746

ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission, City of Austin, Travis County, Texas, on the 22nd day of June, 1988 A.D.

Mary M. Arnold John H. Watson
Chairperson Secretary

APPROVED FOR ACCEPTANCE:

John H. Watson 28 June 88
John H. Watson, Acting Director, Date
Office of Land Development Services

FILED FOR RECORD, this the 22nd day of July, 1988 A.D. at 3:35 o'clock P.M.
Dana DeBeauvoir, County Clerk, Travis County, Texas.

By Deputy K. Terrell
K. TERRELL

FILED FOR RECORD, this the 22nd day of July, 1988 A.D. at 3:35 o'clock P.M.
Dana DeBeauvoir, County Clerk, Travis County, Texas.

By Deputy K. Terrell
K. TERRELL

STATE OF TEXAS:
COUNTY OF TRAVIS:

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing Instrument of Writing, with its Certificate of Authentication was filed for record in my office on the 22nd day of July, A.D. 1988 at 3:35 o'clock P.M. and duly recorded on the 22nd day of July, A.D. 1988 at 3:40 o'clock P.M. in the Plat Records of said County, in Book No. 87, Page 173A.

WITNESS MY HAND and seal of office of the County Clerk, the 22nd day of July, A.D. 1988.
Dana DeBeauvoir, County Clerk, Travis County, Texas.

By Deputy K. Terrell
K. TERRELL

NOTES:

- 1) Sidewalks are required on the subdivision side of William Cannon Drive West. Such sidewalks shall be installed prior to acceptance of any Type I or Type II driveway approach and/or certificate of occupancy. Sidewalks which have not been installed within two years from the date of acceptance for maintenance of the streets, may upon approval of the City Council, be constructed by the City of Austin and assessment shall be made against the affected properties for all engineering, administration, and construction costs.
- 2) Prior to construction on any lot, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount existing at undeveloped status by ponding or other approved methods.
- 3) The owner of this subdivision, and his or her successors and assigns, assumes responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replatting may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements." (Section 13-1-49, City Code).
- 4) Facilities for off-street loading and unloading shall be provided for each lot.
- 5) All signs shall comply with the Austin Sign Ordinance.
- 6) Development of these lots are hereby restricted to uses other than single family/duplex residential uses.
- 7) No lot in this subdivision shall be occupied until connected to the City of Austin water and wastewater systems.
- 8) Access to William Cannon Drive West is restricted to joint access between Lots 1 and 2, and PMA also plan approval.
- 9) For restrictions applicable to this subdivision see Volume 10685, Page 181, Deed Records of Travis County, Texas.
- 10) This subdivision is exempt from the Comprehensive Watershed Ordinance (Ordinance Number 860508V) per 13-15-207G.
- 11) Erosion controls are required for all construction on individual lots, including detached single family and duplex construction in accordance with the City of Austin's Erosion and Sedimentation Control Manual.
- 12) Water and wastewater systems serving this subdivision shall be designed and installed in accordance with the City of Austin and State Health Department plans and specifications. Plans and specifications shall be submitted to the City of Austin water and wastewater department for review.
- 13) Commercial or multi-family development with more than 20 percent impervious cover must provide sedimentation/filtration basins in accordance with section 13-15-238 of ordinance number 860508V.

C8-88-0054.0A

EXHIBIT B
RECORDED PLAT

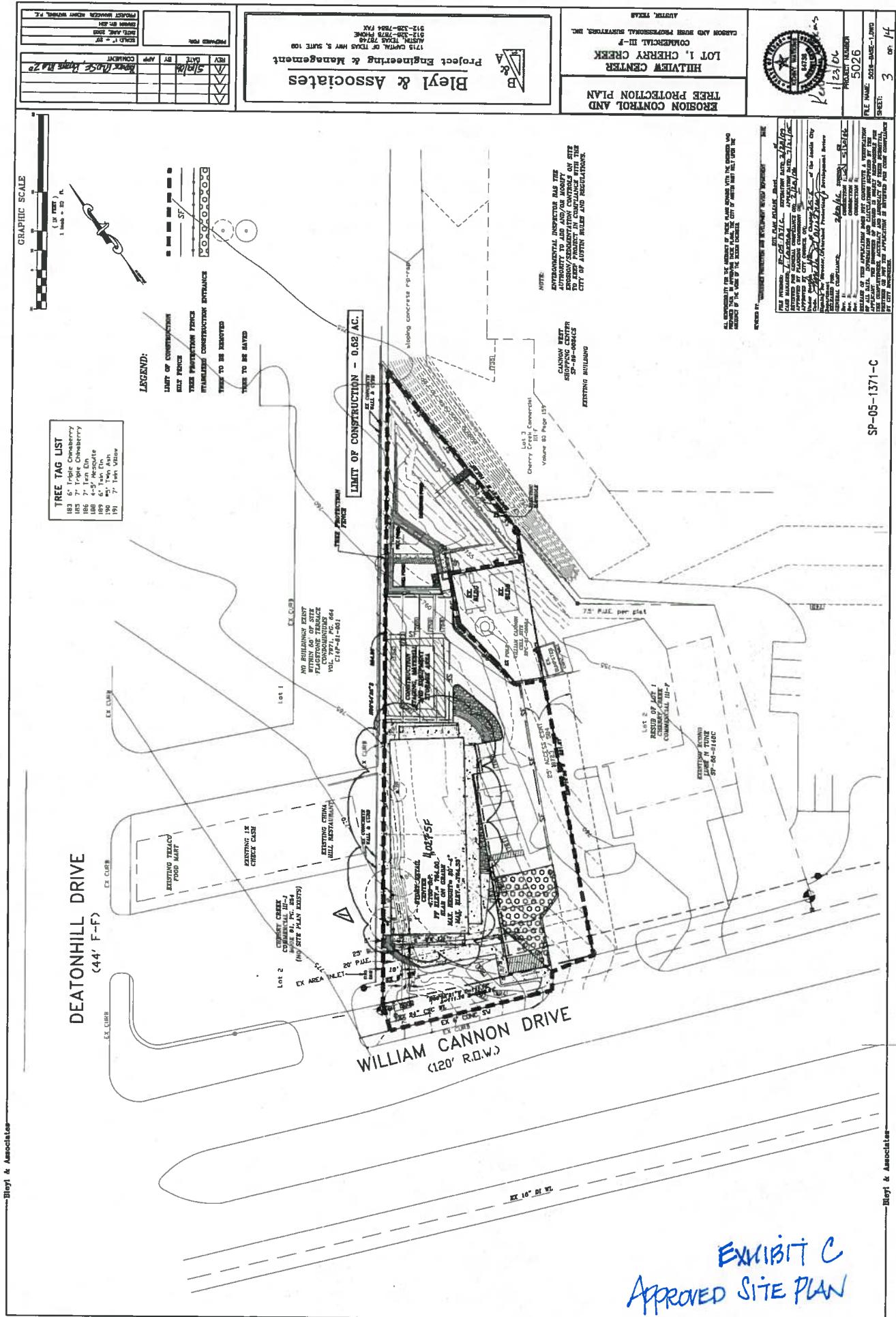


EXHIBIT C
APPROVED SITE PLAN

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial – liquor sales – neighborhood plan (CS-1-NP) combining district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

- 2. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends the Applicant's request given its location within an area which contains a mix of commercial uses and takes its access to an arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area contains a 3,927 square foot vacant building. The site slopes to the east, towards Westgate Boulevard.

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Impervious Cover

Within the suburban portion of the Williamson Creek watershed, the maximum impervious cover allowed by the CS-1 zoning district would be 80%, which is a consistent figure between the watershed and the zoning regulations.

Comprehensive Planning

This zoning case is located on the north side of W. William Cannon Drive, on a 0.09 acre parcel, which contains a small retail building, which is part of a larger shopping center. The site has existing public sidewalks, which are located along W. William Cannon Drive, and is less than 50 ft. away from CapMetro public transit stop. This property is also located within the boundaries of the Garrison Park Neighborhood Planning Area, which is part of the larger South Austin Combined Neighborhood Planning Area. Surrounding land uses includes condominiums and shopping center to the north (which contains a variety of retail and restaurant uses); a large apartment complex to the south; an auto repair shop to the east; and a convenience store/gas station to the west. The proposed use is liquor sales.

South Austin Combined Neighborhood Plan (SACNP)

This property is located within the Garrison Park Neighborhood Planning Area, which is part of the South Austin Combined Neighborhood Planning area. The SACNP Character District Map classifies this area of the plan as ‘**Mixed Use Activity Hub/Corridor**’ and CS-1 zoning is allowed in this character district. Mixed-Use Activity Hubs/Corridors are the most urban areas of the neighborhood, serve the surrounding neighborhoods, serve the broader community, and are located at the intersections of major roadways. They consist of a mix of services and housing types at a more intensive scale than a Neighborhood Node. Mixed-Use Activity Hubs/Corridors are located along arterial roadways and building heights currently range from one to two stories (although many locations are zoned for greater height). Most are currently setback from roadways behind large surface parking lots. (p 65) The following SACNP text and policies are relevant to this case:

Vision: The Mixed-Use Activity Hub/Corridor District contains a mix of uses and is accessible by car, bus, bike, and foot. Ample public amenities including trees and landscaping, plazas, outdoor seating, and public art create a sense of place. (p 66)

Policies for the Mixed-Use Activity Hub/Corridor (pgs 66 – 70)

MUH P1: Mixed-Use Activity Hubs/Corridors should be designed to be people-friendly, walkable, bikeable, and transit-accessible.

MUH P2: Many sites are likely to redevelop in the future, but the following design elements should be encouraged in the interim:

- windows and awnings
- street trees
- outdoor dining areas
- reduce the number of driveways
- pedestrian paths through parking lots
- creative use of surface parking

As properties within Mixed-Use Activity Hubs/Corridors redevelop, the following policies should guide building siting and form.

MUH P3: Buildings should be up to five stories at the tallest part of the district, depending on context, including consideration of adjacent districts, buildings, and land uses. Buildings should have appropriate step down in height or other buffering to the adjacent Residential Core and Neighborhood Transition districts.

MUH P4: New buildings should be constructed closer to the street to create people-friendly places.

MUH P5: New buildings should be mixed-use, with pedestrian-oriented ground floors. Pedestrian-oriented ground floors should incorporate:

- transparent windows
- awnings
- outdoor seating

MUH P6: New buildings should be connected by wide sidewalks, with space for trees, sidewalk furniture, or restaurant patios to create people-friendly places to walk.

MUH P7: Shared parking in structures or behind buildings should be encouraged to improve walkability.

MUH P8: When larger Mixed-Use Activity Hubs are redeveloped, new buildings and parks, plazas, or other gathering spaces should be constructed on surface parking lots.

MUH P9: Sites should be redeveloped with internal streets reconnecting with the street network and improving connections to the neighborhood. Incorporate Complete Streets and transition down to missing middle housing types

MUH P10: Encourage missing middle housing types and neighborhood- and regional-serving businesses that are compatible with the neighborhood character. In the interim between the adoption of this neighborhood plan and the adoption of the revised Land Development Code, the following zoning districts should be generally considered appropriate to the Mixed-Use Activity Hub/Corridor character district.

SF-5: Urban family residence

SF-6: Townhouse & condo residence

MF-1: Limited density multi-family

MF-2: Low density multi-family

MF-3: Medium density multi-family

MF-4: Moderate density multi-family

MF-5: High density multi-family

NO: Neighborhood office

LO: Limited office

GO: General office

LR: Neighborhood commercial

CS: Commercial Services

CS-1: Commercial-liquor sales

TOD: Transit-oriented development

W/LO: Warehousing/limited office

MU Combining District allows mixed-use

VMU Combining District allows vertical mixed-use

The SACNP policies and text appears to support the existing use but if this property is redeveloped in the future, the developer should include features that beautifies the area, adds pedestrian amenities and creates people friendly places, including awnings, outdoor public seating, and additional landscaping and street trees.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this section of **W. William Cannon Drive as an Activity Corridor**. Activity corridors identify locations for additional people and jobs above what currently

exists on the ground. Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

In conclusion, although this proposed use is located along an Activity Corridor, based on the small scale of this site relative to other commercial and retail land uses along this heavily traveled commercial corridor, this project falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

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

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.

Site Plan

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 the site plan is submitted.

Please be aware that State Law governs the location of the sale of alcohol; it may not be sold within 300 feet of a church, public or private school or public hospital. Please refer to Subchapter C Local Regulation of Alcoholic Beverages.

Transportation

No additional right-of-way is needed at this time. Additional right-of-way may be required at the time of a revised subdivision and/or site plan.

Water / Wastewater

The site is currently served with City of Austin water and wastewater utilities. If new development is planned, 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. 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.