

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0126 – Fiesta CS-1

DISTRICT: 3

ZONING FROM: GR-NP

TO: CS-1-NP

ADDRESS: 5500 South IH-35, Suite 210

SITE AREA: 3,458 square feet

PROPERTY OWNER:

LRF1 Stassney Heights Plaza, LLC

AGENT:

Thrower Design (Ron Thrower)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends commercial – liquor sales – neighborhood plan (CS-1-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 22, 2019 **Scheduled for Planning Commission**

CITY COUNCIL ACTION:

November 14, 2019 **Scheduled for City Council**

ORDINANCE NUMBER:

ISSUES

None at this time.

CASE MANAGER COMMENTS:

This property is approximately 3,458 square feet in size and is a zoning footprint located within the Fiesta Mart shopping center. It is for a liquor store that will be within a larger building containing a variety of commercial uses. The shopping center is at the northwest corner of E. Stassney Lane and the southbound service road of IH-35. The majority of the shopping center is zoned community commercial – neighborhood plan (GR-NP) combining district with the exception of a commercial – liquor sales -neighborhood plan (CS-1-NP) combining district zone footprint. The existing CS-1-NP footprint is currently being used for a personal service business. Surrounding existing zoning outside of the shopping center include general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district to the west, public – neighborhood plan (P-NP) combining district to the north and community commercial – conditional overlay – neighborhood plan (GR-CO-NP) combining district to the northeast, *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

BASIS OF RECOMMENDATION:

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

The CS-1 zoning district is intended predominately 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. The location of this zoning footprint is within the existing larger Fiesta Mart building. This is an existing shopping center designed to accommodate commercial land uses. There are no residential uses in close proximity to the rezoning site. Staff recommends CS-1-NP combining district zoning based on the property's proximity to two arterial roadway which provide access to a mix of existing commercial uses and corresponding zoning.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site (Fiesta Shopping Center)	GR-NP CS-1-CO-NP	Leased spaces containing various commercial uses
North	P-NP	Williamson Creek
South (across Stassney Lane)	GR-NP	Restaurants (general)
East	IH-35	Major arterial
West	CS-CO-NP	Various commercial uses (shopping center)

NEIGHBORHOOD PLANNING AREA: East Congress (South Congress Combined NPA Area)

TIA: has been deferred until site plan submittal.

WATERSHED: Williamson Creek

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards

SCHOOLS: Galindo Elementary, Bedichek Middle and Travis High Schools

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
 Austin Neighborhoods Council
 Battle Bend Springs Homeowners Association
 Bike Austin
 Friends of Austin Neighborhoods
 Go Austin Vamos Austin 78745
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Onion Creek Homeowners Assoc.
 Preservation Austin
 Seltexas
 Sierra Club, Austin Regional Group
 South Austin Neighborhood Alliance (SANA)
 South Congress Combined Neighborhood Plan

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-03-0055	GR to CS-1	Approved CS-1 with CO to prohibit adult oriented businesses.	Approved CS-1-CO
C14-86-164	SF-3 to GR	Approved GR	Approved GR

RELATED CASES:

The rezoning area was included in the East Congress Neighborhood Planning Area Rezoning (C14-05-0107) and the associated South Congress Combined Neighborhood Plan (NP-05-0020).

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. Stassney Lane	122'	77'	Level 3	Yes	Bike Lane	Yes
S IH-35 Service Road	392'	170'	Level 4	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

The footprint for this rezoning case is within a larger tract bound by the S. IH-35 service road to the east and E. Stassney Lane to the south and is located along an Activity Corridor. This tract is located within the boundaries of the South Congress Combined Neighborhood Planning Area (SCCNPA), in the East Congress Planning Area.

Connectivity

Public sidewalks, transit stops, and bike lanes are located along both sides of this section of E. Stassney Lane. There are no public sidewalks along this portion of the IH-35 frontage road. The mobility and connectivity options in the area are good along E. Stassney Lane.

South Congress Combined Neighborhood Planning Area (SCCNPA)

The SCCNPA Future Land Use Map (FLUM) classifies this portion of the planning area as 'Commercial' which permits CS-1 under the land use category. The Commercial FLUM category is defined as lots or parcels containing retail sales, services, hotels, hotel/motels and all recreational services that are predominantly privately owned and operated for profit. The following text and policies are excerpted from the SCCNPA and are applicable to this case:

- **Stassney Lane (page 63):** Although recent development along the eastern segment of Stassney Lane provides many community-serving retail uses (restaurants, a grocery store, an optometrist, a health food store, etc.), the scale and design of the area is geared for people in cars. The restaurants and shopping centers are not easily accessible from the nearby neighborhoods without the use of an automobile. Moreover, once there, patrons have very limited pedestrian access across the street if they want to visit the commercial uses on either side of Stassney Lane. New development on the large vacant parcels along this segment of Stassney Lane – multi-family or commercial – should be designed to promote greater pedestrian accessibility.

- **Objective 3.3** New development along Stassney Lane between Interstate Highway 35 and South Congress Avenue should be more pedestrian-friendly. (pg. 64)
- **Goal Four:** Improve the accessibility, convenience, and safety for all forms of transportation. (p 73)
 - **Objective 4.1:** Improve pedestrian connections throughout area. Interstate Highway 35 Frontage Road There are well-worn footpaths along the southbound frontage road of Interstate Highway 35 from Ben White Boulevard to Stassney Lane. Sidewalk ramps are in place, but there are no sidewalks or safe pedestrian crossings over Williamson Creek. Consequently, residents in nearby neighborhoods cannot safely walk or bicycle to restaurants and businesses located around the corner from them at the intersection of Stassney Lane and Interstate Highway 35. Those neighborhoods include Battle Bend Springs, Greenwood Hills, a number of multi-family developments, and a new subdivision at Colonial Park Boulevard currently under construction. The only current safe route is a long, roundabout one beginning at Sheraton Drive and continuing along South Congress Avenue to Stassney Lane.
 - Recommendation 1: Construct continuous sidewalks along the southbound frontage road of Interstate Highway 35 between Ben White Boulevard and Stassney Lane, including a pedestrian bridge over Williamson Creek.

The proposed use appears consistent with the text and policies of the SCCNPA, which also has good connectivity and mobility options along E. Stassney Lane. Hopefully in the future, public sidewalks will be located along the IH-35 service road to allow residents living in the area to access the goods and services along E. Stassney Lane.

Imagine Austin

This footprint is located within a larger tract along the Stassney Lane Activity Corridor. Activity 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.

The following Imagine Austin Comprehensive Plan (IACP) policies are relevant to this case:

- **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.

Based on the comparative scale of the footprint relative to the variety of existing commercial and retail land uses in the area, as well as it being located along an Activity Corridor, which encourages neighborhood commercial uses to make more vibrant corridors, the project appears to support the policies of the Imagine Austin Comprehensive Plan.

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. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site. 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.

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.

Demolition and Historic Resources

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Residential Design Standards Overlay

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

FYI: This site is in the East Congress Neighborhood Planning Area.

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

FYI: This site is in the East Congress Neighborhood Planning Area.

Transportation

Per the TIA determination worksheet, the Austin Transportation Department has deferred the traffic impact analysis and mitigation requirements to the site plan application when the proposed land use mix and intensities are determined. A TIA and/or mitigation may be required at the time of the site plan application in accordance with LDC 25-6-113 and LDC 25-6-101.

A neighborhood traffic analysis is not required since this site does not provide access to a neighborhood collector or local street as defined in LDC 25-6-114.

Austin Water Utility

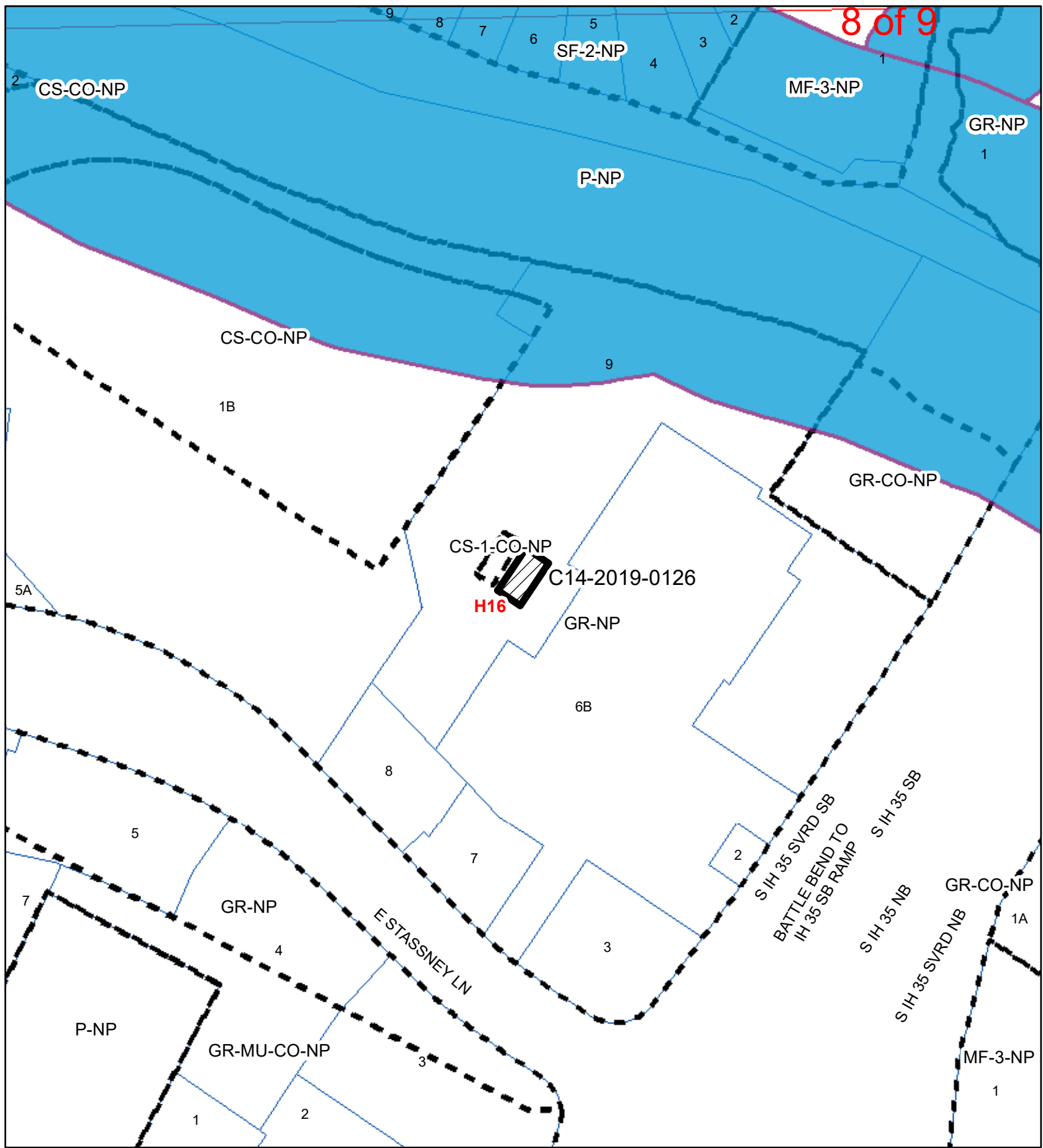
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required 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 Austin Water 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 fees once the landowner makes an application for Austin Water utility tap permits.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map





Exhibit B: Aerial Map



H16
C14-2019-0126



1" = 400'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

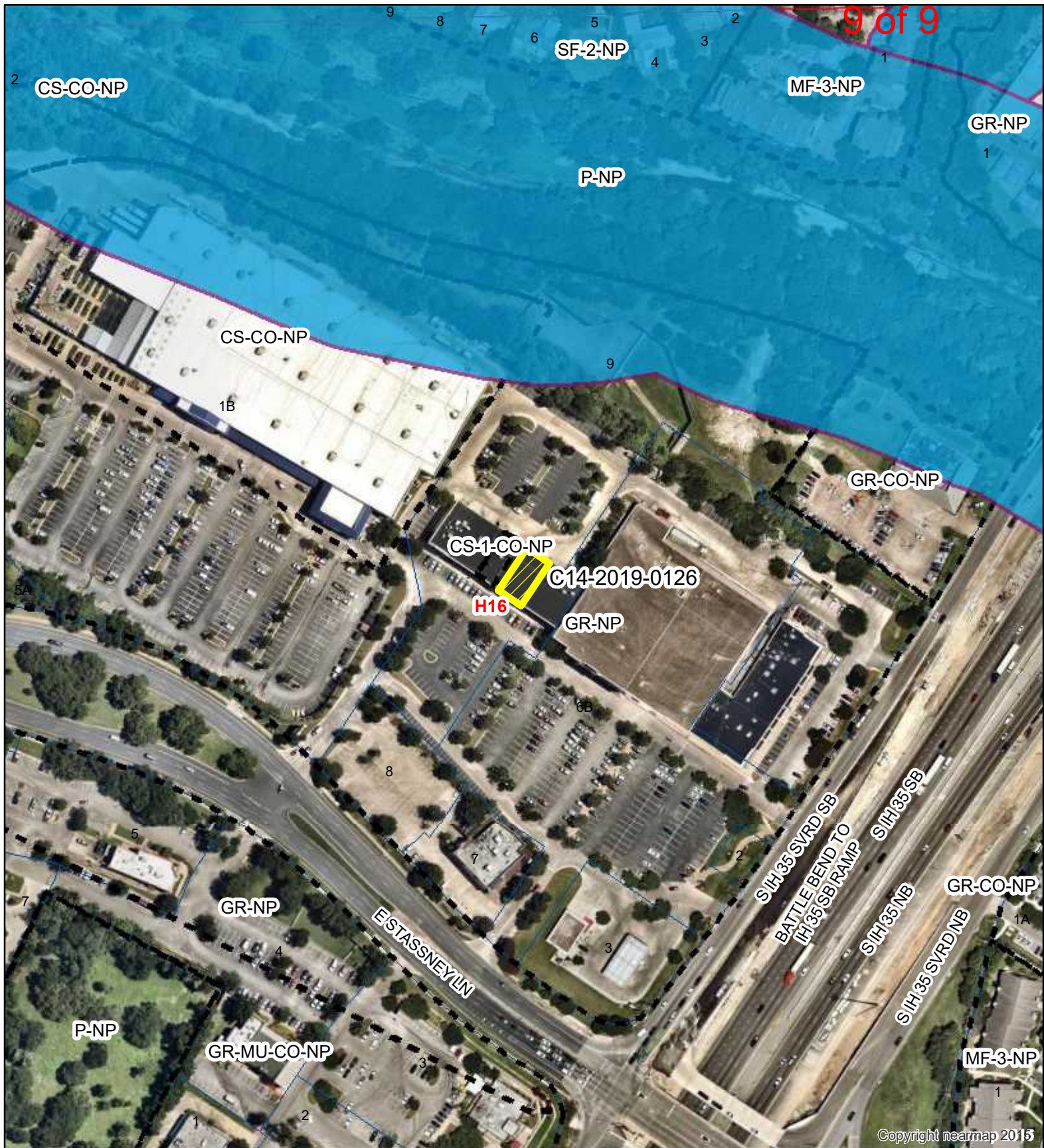
FIESTA CS-1

Exhibit A





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 LOCATION: 5500 S IH-35 Service Road SB, Ste 210
 SUBJECT AREA: 0.079 ACRES
 GRID: H16
 MANAGER: KATE CLARK



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. 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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Exhibit B

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