

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0010 FM 969 Retail Center DISTRICT: 1

ZONING FROM: LR-NP

TO: CS-1-NP

ADDRESS: 6401 FM 969

REZONING AREA: 2,570 square feet

PROPERTY OWNERS:

6401 E FM 969 LLC

(Najib Wehbe)

AGENT:

South Llano Strategies

(Glen Coleman)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends CS-1-CO-NP. Staff supports the Applicant's request of CS-1-NP with the additional prohibition of cocktail lounge land use (CS-1-CO-NP).

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 26, 2020:

March 10, 2020: Indefinite postponement by Applicant.

CITY COUNCIL ACTION:

June 11, 2020:

April 9, 2020: Indefinite postponement by Applicant.

ORDINANCE NUMBER:

ISSUES:

The Applicant proposes CS-1-NP to allow a liquor store in a retail center. The Applicant accepts Staff recommendation to prohibit cocktail lounge land use.

CASE MANAGER COMMENTS:

The proposed rezoning is for a space in a retail shopping center located at the southwest corner of the intersection of Craigswood Drive and FM 969. Other uses in the shopping center include a convenience store with gas pumps, retail and limited restaurant uses. The property is zoned LR-NP; the Applicant proposes rezoning only the portion of the building where the liquor store is proposed. Immediately to the west of the property is undeveloped property zoned W/LO-CO; further west are properties zoned CS-CO-NP and CS-NP that include cocktail lounge, machine shop and undeveloped land uses. Immediately south of the property is a residential neighborhood zoned SF-2-NP. Across Craigswood Drive to the east is property zoned LR-NP that is developed with a convenience store with gas pumps. Also to the east are single family residences zoned SF-2-NP and undeveloped land zoned LI-NP. Across FM 969 to the north is the Mosaic Sound Collective which includes several music production-related uses. The property is predominately zoned CS-MU-CO-NP and contains a footprint area of CS-1-MU-CO-NP zoning as well. Also across FM 969 are properties zoned LR-MU-NP, MF-2-NP, and LI-PDA-NP that are undeveloped, developed with single family residences, and undeveloped, respectively. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

Staff supports the Applicant's request of CS-1 with the condition that cocktail lounge is a prohibited land use. The addition of CS-1-CO-NP at this location will allow additional services to the surrounding area.

BASIS OF RECOMMENDATION:

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

Per City Code, "Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district." CS-1 zoning is the only zoning designation that permits liquor store land use.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LR-NP	General retail (convenience), Restaurant- limited
North	CS-MU-CO-NP, CS-1-MU-CO-NP, LR-MU-NP, MF-2-NP, LI-PDA-NP	Music recording studio, Undeveloped
South	SF-2-NP	Single family residential
East	LR-NP, SF-2-NP, LI-NP	General retail (convenience), Single family residential, Undeveloped
West	W/LO-CO, CS-CO-NP, CS-NP	Undeveloped, Cocktail lounge, Machine shop

NEIGHBORHOOD PLANNING AREA: MLK-183 Combined

TIA: N/A

WATERSHED: Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:

Bike Austin

Homeless Neighborhood Association

Cavalier Park Neighborhood Association

Austin Neighborhoods Council

Del Valle Community Coalition

Neighborhood Empowerment Foundation

East MLK Combined Neighborhood Contact Team

Friends of Northeast Austin

ASD

Sierra Club

SELTexas

Neighbors United for Progress

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0017 MLK & 183 Residential	CS-NP and LI-CO-NP to CS-MU-NP	TBD	TBD
C14-2017-0083 Mosaic Sound Collective	GO-NP to CS-MU-CO-NP and CS-1-MU-NP	8/22/2017: CS-MU-CO-NP and CS-1-MU-CO-NP- Comm'l blood plasma center, Equip sales, Equip repair svcs, Vehicle storage. Bail bond svcs, Alt Financial svcs, Offsite access parking prohibited	9/28/2017: Ord 20170928-091 approved as rec
C14-2016-0031 Kaleidoscope Village	SF-6-NP, LR-MU-NP, and LR-NP to MF-2-NP (Tract 1) and LR-MU-NP (Tract 2)	5/24/2016: Recommended MF-2- NP(Tract 1) and LR-MU-NP (Tract 2)	8/11/2016: Ord #20160811-041 Approved MF-2- NP(Tract 1) and LR- MU-NP (Tract 2)

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 969	107'	154'	67'	4	Yes	Yes	No
Craigwood Dr.	60'	N/A	40'	1	No	Yes	Yes

OTHER STAFF COMMENTS:

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut 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.

2. 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%

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. 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.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. 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.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

SP 4. The site is subject to compatibility standards.

☐ No structure may be built within 25 feet of the property line.

☐ No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

☐ No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

☐ No parking or driveways are allowed within 25 feet of the property line.

☐ A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.

- ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- ☐ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

TRANSPORTATION

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 154 feet of right-of-way for FM 969. It is recommended that 77 feet of right-of-way from the existing centerline should be dedicated for FM 969 at the time of subdivision or site plan. The TIA determination will be deferred to site plan submittal when land uses and intensities have been finalized.

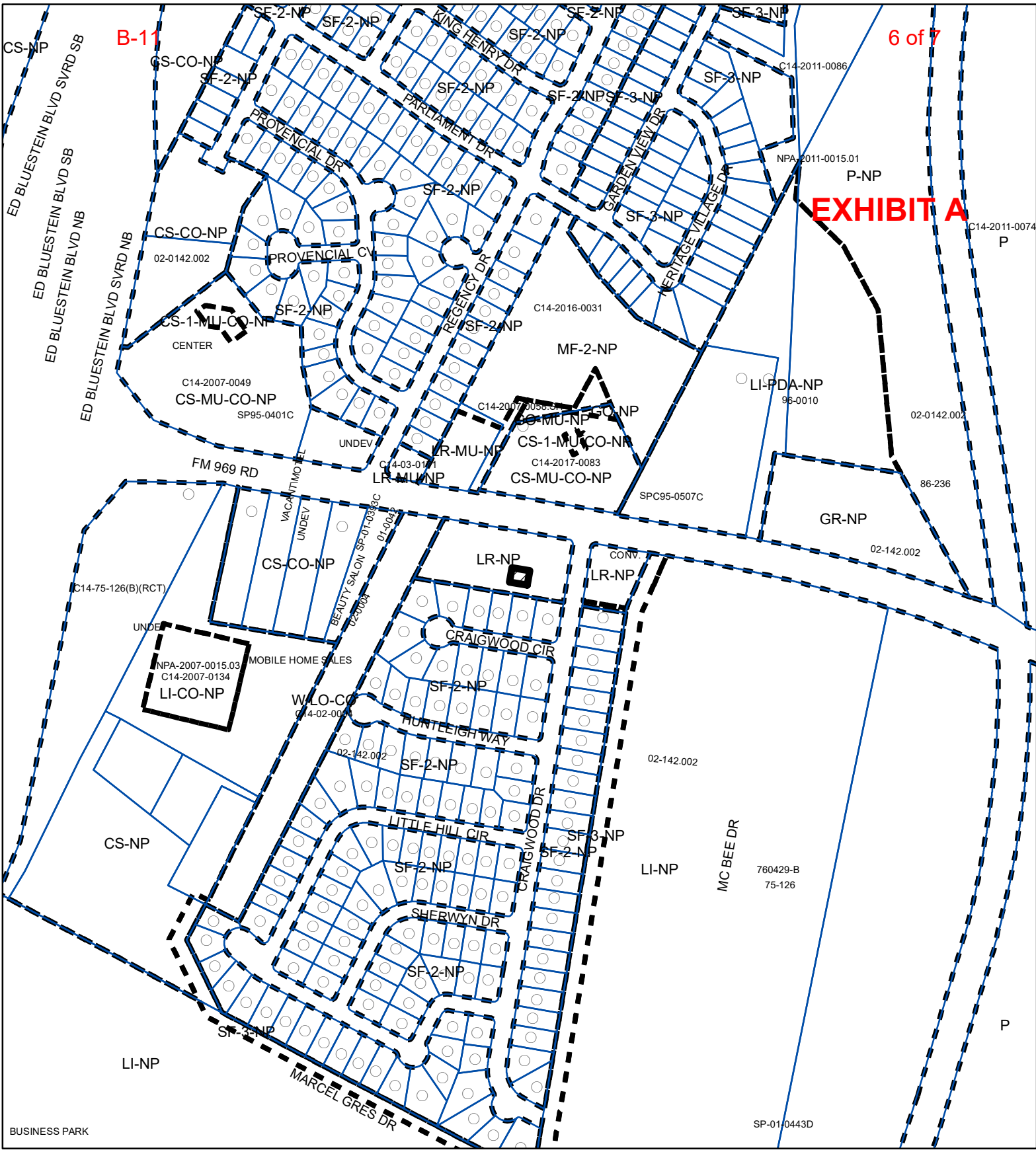
Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 969	107'	154'	67'	4	Yes	Yes	No
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WATER UTILITY

1. 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. 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Correspondence



B-11

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EXHIBIT A

ZONING

ZONING CASE#: C14-2020-0010



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Created: 1/31/2020



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FM 969 RETAIL CENTER

ZONING CASE#: C14-2020-0010
 LOCATION: 6401 FM 969 RD.
 SUBJECT AREA: 0.05899 Acres
 GRID: N23
 MANAGER: Heather Chaffin



- C14-2020-0010
- Creek Buffers
- ZONING BOUNDARY

1" = 100'

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.