

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0095 – Westgate Davis / CS-1

DISTRICT: 5

ZONING FROM: LR-CO

TO: CS-1

ADDRESS: 8801 West Gate Boulevard; 3008 Davis Lane

SITE AREA: 0.046 acres (2,003 square feet)

APPLICANT: Westgate / Davis Inc.  
(Sufian Emmar)

AGENT: Bennett Consulting  
(Rodney Bennett)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

STAFF RECOMMENDATION:

**The Staff recommendation is to grant commercial – liquor sales (CS-1) district zoning.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**July 20, 2021:**

CITY COUNCIL ACTION:

**August 26, 2021:**

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject rezoning area is a 2,003 square foot unoccupied lease space in a larger commercial building under construction and zoned neighborhood commercial – conditional overlay (LR-CO) by a 1998 case. The commercial development situated at the northeast corner of West Gate Boulevard and Davis Lane has driveways to both streets, and contains recently opened food sales and service station uses. There is a gas pipeline easement and apartments under construction to the north (P; MF-2-CO), single family residences to the east (SF-2), detached condominiums and Cowan Elementary School across Davis Lane to the south (SF-6-CO; RR), and undeveloped land across West Gate Boulevard to the west (LR-CO). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant proposes commercial – liquor sales (CS-1) district zoning in order to occupy the lease space with a liquor store use.

As information, AISD's Cowan Elementary School is approximately 370 feet to the south, as measured from the southwest property corner at the West Gate / Davis intersection to the northwest corner of Kentish Drive which is part of the school property. City Code and the Texas Alcoholic Beverage Code prohibit liquor sales use within 300 feet of a church, public school, public hospital, day care or child care facility, and the proposed rezoning area meets this requirement.

#### BASIS FOR RECOMMENDATION

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

Staff recommends the Applicant's request based on the property's access to two minor arterial roadways, and the required separation distance to the civic use is met as established by City and State codes.

#### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-CO	Unoccupied lease space in a commercial building (under construction)
<i>North</i>	LR-CO; P; MF-2-CO	Undeveloped; Water quality / detention pond; Pipeline easement; Apartments (recently constructed)
<i>South</i>	LR-CO; SF-6-CO	Accessory parking lot (under construction); Parker Ranch condominium community
<i>East</i>	LR-CO; SF-2	Undeveloped; Single family residences in the Cherry Creek Section 9-F subdivision
<i>West</i>	LR-CO	Food sales; Service station; Undeveloped (across West Gate Boulevard)

AREA STUDY: Not Applicable

TIA: Is not required

WATERSHED: South Boggy Creek – Suburban

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

#### SCHOOLS:

Cowan Elementary School      Covington Middle School      Bowie High School

NEIGHBORHOOD ORGANIZATIONS:

12 – Brodie Lane Homeowners Association  
 627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 1228 – Sierra Club, Austin Regional Group  
 1363 – SEL Texas  
 1429 – Go!Austin/Vamos!Austin (GAVA)-78745  
 1531 – South Austin Neighborhood Alliance  
 1550 – Homeless Neighborhood Association  
 1596 – TNR BCP – Travis County Natural Resources  
 1616 – Neighborhood Empowerment Foundation  
 1617 – Brodie Heights Condominium Community  
 511 – Austin Neighborhoods Council  
 1343 – Oak Hill Trails Association  
 1424 – Preservation Austin  
 1530 – Friends of Austin Neighborhoods  
 1559 – Palomino Park HOA  
 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0190 – Songhai at West Gate – 8700 West Gate Blvd	MF-2-CO to MF-4-CO	To Grant MF-4-CO w/CO for a 25' front yard setback, 50% building cover and 46' in height.	Apvd MF-4-CO as ZAP rec (2-12-2015).
C14-2013-0023 – 6.11 acre tract - Westgate & Davis Lane – 2901 Davis Ln	RR to SF-6	To Grant SF-6-CO w/CO for 2,000 trips per day, prohibit vehicular access to Kentish Dr and Westgate Blvd and require pedestrian access to Kentish Dr	Apvd SF-6-CO as ZAP rec., w/add'l CO requiring public pedestrian access to Kentish Dr (10-03-2013).
C14-07-0014 – Cameron Condo – 2903 Cameron Loop	RR to SF-6	To Grant SF-6-CO w/CO limited to 85 units and vehicular access to Cameron Loop limited to emergency use only; RC for conds. of the Neighborhood Traffic Analysis	Apvd SF-6-CO w/RC as Commission rec (6-21-2007).
C14-03-0157 – Harris Ranch – SE corner of Davis and Brodie Lanes	DR; RR to GR; MF-2; SF-6, as amended	To Grant GR-CO for 8.04 acres and SF-2 for the remainder; RC for the Traffic Impact Analysis	Apvd GR-CO w/CO prohibiting auto-related uses, guidance services, pawn shop services and drive-in services (Tract 1); SF-6-CO w/CO limiting

			the number of units to 350 (Tract 2); RC for the TIA (09-30-2004).
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#### RELATED CASES:

The property was zoned LR-CO on July 9, 1998 as part of the rezonings for Southland Oaks Municipal Utility District No. 1 (Cherry Creek 9) that was bounded by Cameron Loop on the west and north, one lot west of Leo Street on the east, and Davis Lane on the south (C14-97-0155). The subject property was identified as Tract 9 and the Conditional Overlay states that “No site plan for development of Tracts 5, 6, 7 and 9...may be approved or released, and no building permit for construction of a building on these tracts may be issued before the construction of Westgate Boulevard is completed from Cameron Loop to Davis Lane.” The construction of Westgate Boulevard was a bonded project and completed by the City of Austin circa 2011.

The rezoning area is a portion of Lot 18, Cherry Creek Section 9-D1 subdivision, recorded in September 1985 (C8S-85-042). *Please refer to Exhibit B.*

An administrative site plan for a one-story, 9,625 square foot commercial building for retail, restaurant and office uses was approved and released on January 31, 2018 (SP-2017-0227C – Westgate Retail Building). *Please refer to Exhibit C.*

#### EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Davis Lane	60 feet	92 feet	50 feet	3 (Minor arterial)	Yes	Bike Lane	Yes
West Gate Boulevard	88 feet	104 feet	73 feet	3 (Minor arterial)	Yes	Bike Lane	Yes

#### OTHER STAFF COMMENTS:

##### Comprehensive Planning

This rezoning case is located on the northeast corner of West Gate Boulevard and Davis Lane, on a property that contains a gas station and a convenience store. The property is not located within a small planning area or along or near an Activity Center or Corridor.

**However, West Gate Boulevard is an arterial in this area of Austin.** Surrounding land uses include undeveloped land and single-family housing to the north; to the south is a townhouse development; to the east is undeveloped land and a single-family subdivision, and

to the west is undeveloped land and a single-family subdivision. The proposal is to allow for liquor sales under CS-1 zoning.

### **Connectivity**

Both Davis Lane and West Gate Boulevard have public sidewalks and unprotected bike lanes located along this portion of these two roads. A public transit stop is located directly across the street. The mobility options in the area are good, while connectivity options are fair.

### **Imagine Austin**

The Imagine Austin Comprehensive Plan (IACP) does not designate this area as being along or near an Activity Center or Activity Corridor. The following Imagine Austin policies are applicable 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 P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based on the property being located at the intersection of two arterial roadways, which supports commercial development, the existing commercial uses, and the Imagine Austin policies above that encourage commercial development where there are mobility and connectivity options, the proposed rezoning and use supports the policies of the Imagine Austin Comprehensive Plan.



### Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties. There is a regional water quality / detention facility that will serve this site, therefore onsite drainage facilities will not be provided.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the South Boggy 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.

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

### Impervious Cover

Within the South Boggy Creek watershed, the maximum impervious cover allowed by the *CS-1 zoning district is 80% (90% with transfers)*, which is based on the more restrictive *watershed* regulations. The amount of impervious cover shown on the approved site plan is 45.92 percent.

### PARD – Planning & Design Review

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for CS-1, liquor sales, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

### 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.

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.

FYI – This site is located in a Hazardous Pipeline Overlay.

### Transportation

The Austin Strategic Mobility Plan (ASMP) adopted April 11, 2019, calls for 92 feet of right-of-way for Davis Lane and 104 feet of right-of-way for West Gate Boulevard. It is recommended that 46 feet of right-of-way from the existing centerline should be dedicated for Davis Lane and 52 feet of right-of-way from the existing centerline should be dedicated for West Gate Boulevard according to the Transportation Plan at the time of re-subdivision and/or site plan application, whichever comes first.

Assessment of required transportation mitigation, including the potential dedication of right-of-way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if trigger per LDC 25-6-113.

### Water / 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 Austin Water 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.

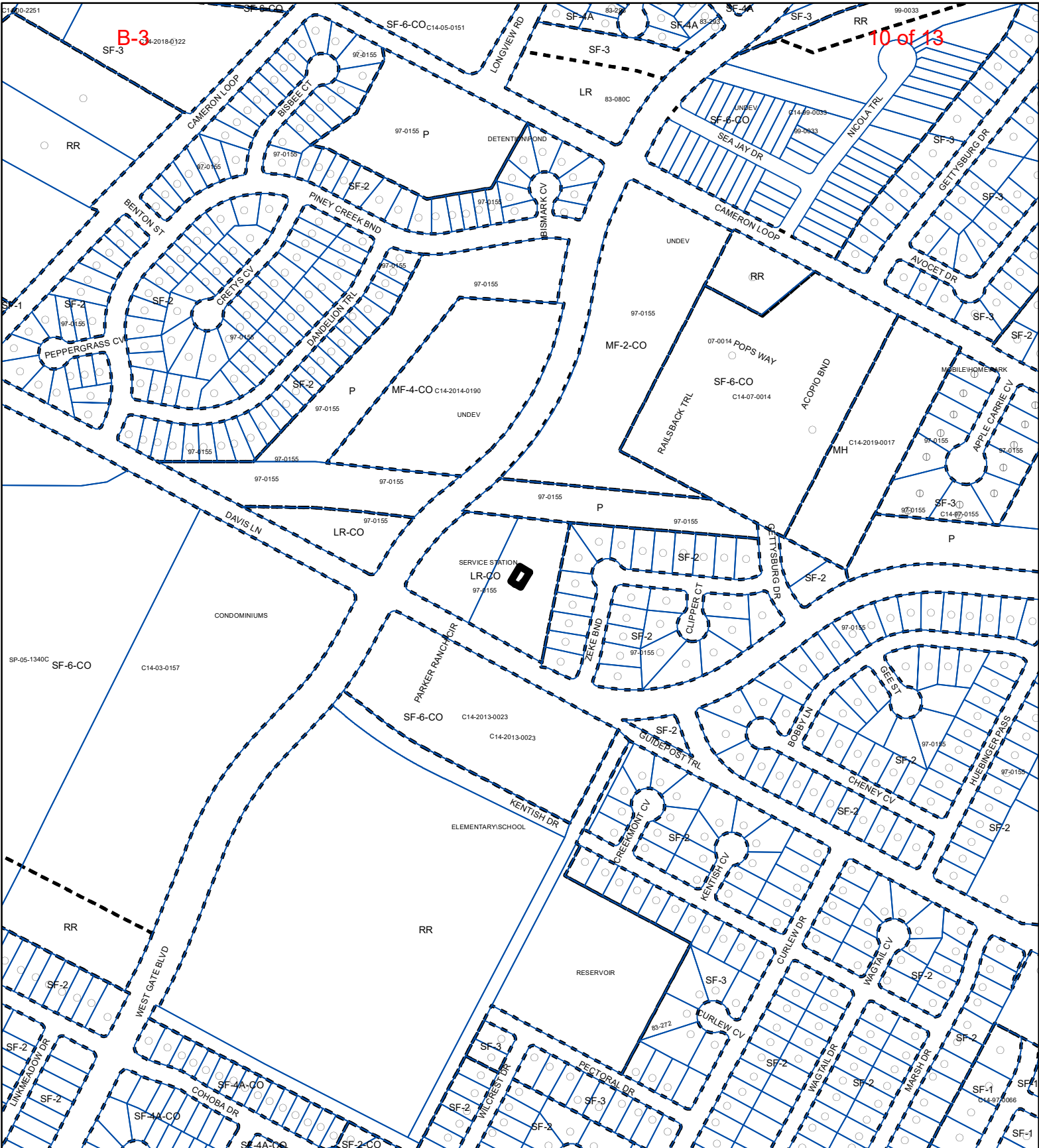
#### INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

A-1: Aerial Map

B: Recorded Plat

C: Approved Site Plan



# ZONING

## Exhibit A

ZONING CASE#: C14-2021-0095



- 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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1" = 75'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

### Westgate / Davis CS-1

### Exhibit A -1

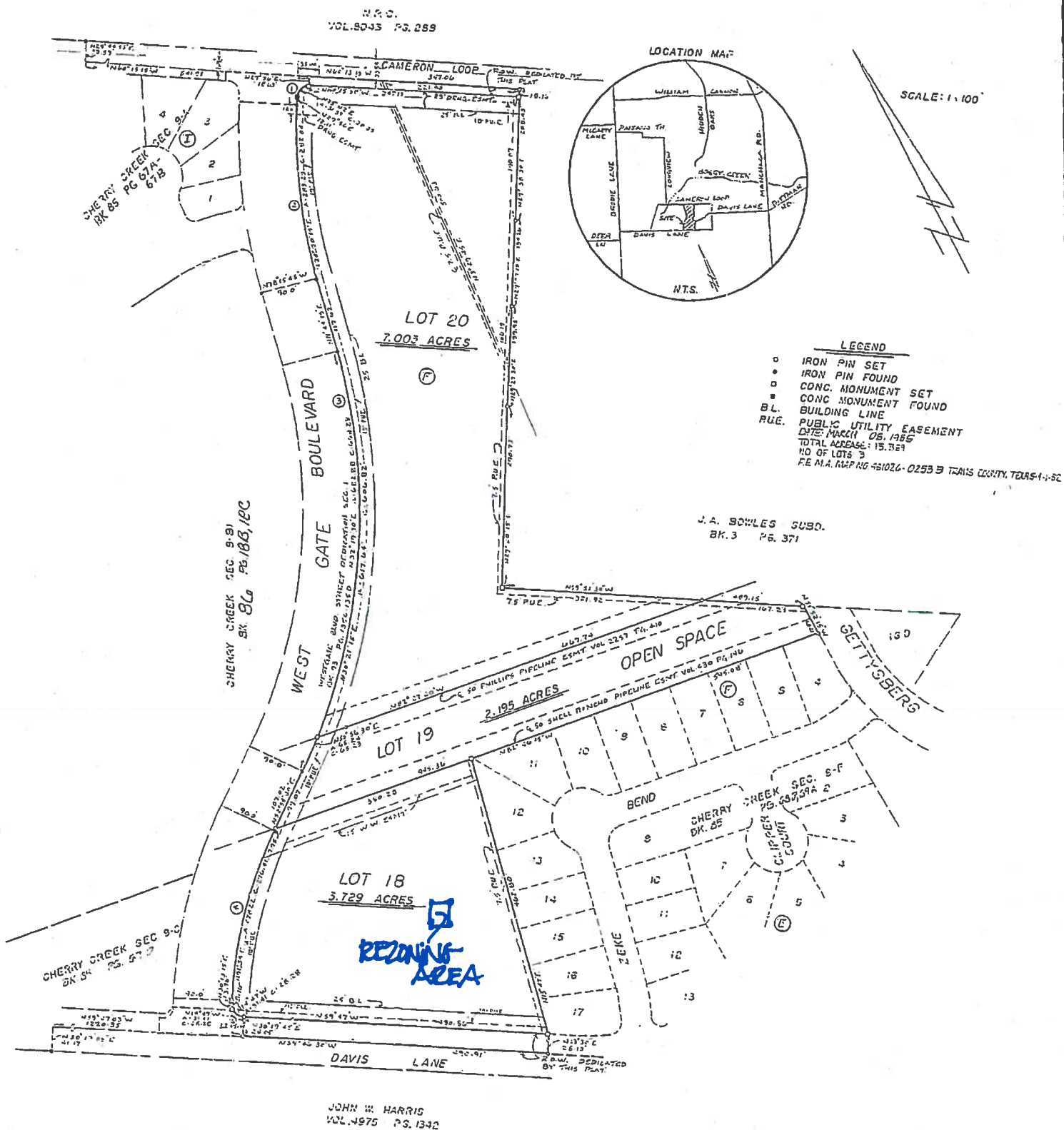
ZONING CASE#: C14-2021-0095  
 LOCATION: 3008 Davis Lane (8801 Westgate Blvd.)  
 SUBJECT AREA: .046 Acres  
 GRID: E15  
 MANAGER: Wendy Rhoades



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.



## CHERRY CREEK SECTION 9-D1



## CURVE DATA

	①	②	③	④	⑤
I	90° 11' 58"	18° 11' 45"	41° 10' 15"	22° 41' 15"	90° 00' 23"
R	19.94	891.64	950.35	702.64	20.00
T	20.01	142.92	356.93	140.96	20.00
A	31.39	283.23	682.89	278.22	31.41
C	28.25	282.04	668.28	276.41	28.28

EXHIBIT B  
RECORDED PLAT



APPROVED SITE PLAN  
EXHIBIT C