



Thursday, February 15, 2007

+ Back Print

**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 57

Subject: C14-06-0225 – San Felipe Market – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7701 San Felipe Boulevard (Rattan Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning with conditions. Applicant: San Felipe Market, Ltd. (John Greenwood) Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Tina Bui, 974-2755.

**Additional Backup
Material**

(click to open)

- ☐ [Staff Report](#)
- ☐ [Ordinance](#)

For More Information:

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0225

Z.A.P. DATE: January 23, 2007

ADDRESS: 7701 San Felipe Boulevard

OWNER/APPLICANT: San Felipe Market, Ltd (John Greenwood)

AGENT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: GR-CO (Community Commercial-Conditional Overlay)

TO: CS-1 (Commercial-Liquor Sales)

AREA: 3,570 square feet ('footprint' site within a future shopping center)

SUMMARY STAFF RECOMMENDATION:

Staff recommends CS-1. Staff also recommends limiting the uses allowed within the entire shopping center to those that generate no more than 1,898 vehicle trips per day.

ZONING AND PLATTING COMMISSION:

January 23, 2007. Approved staff recommendation of CS-1 on consent with the 1,898 vehicle trip limit over the entire shopping center. Vote: 8-0 (J Martinez 1st, S. Hale 2nd, J. Pinelli absent)

DEPARTMENT COMMENTS:

Staff recommends CS-1 zoning for this site as it is for a proposed 3,570 square feet liquor store within a future shopping center, for which a site plan has already been submitted, that is allowed under the current GR zoning. There are no schools, churches, or day cares within 300 feet of the proposed liquor store. (Council-approved waivers are required for alcohol sales within 300 feet of such uses.) A liquor store within a shopping center at this location is a reasonable use that should not have any detrimental impact on the surrounding neighbors.

The Staff also recommends limiting the uses allowed within the entire shopping center to those that generate no more than 1,898 vehicle trips per day, the limit imposed as part of a rezoning in 2004. There has been a past history of confusing rezonings that amended the conditional overlays applying to this site and adjacent sites for the purpose of redistributing vehicle trips. To help ensure that the correct trip limit is applied, staff recommends the preparation of a public restrictive covenant limiting the entire shopping center to 1,898 vehicle trips. A restrictive covenant must be drafted instead of a conditional overlay since the limit applies to an area beyond the bounds of the rezoning request. (A conditional overlay could only be applied if the trip limit were for the subject rezoning site itself.) The applicant is in agreement with this request.

The applicant does not object to the staff's recommendation, including the trip limit.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|--------------------|-----------------------------------------------------------------------------------------------------------|
| <i>Site</i> | GR-CO | Currently undeveloped though a site plan has been submitted proposing a retail and office shopping center |
| <i>North</i> | RR and I-RR | Apartments |
| <i>South</i> | GR, LI, P, SF-3 | GR: Water Tank Bar & Grill, LI: Industrial office park, P and SF-3: City of Austin water reservoir |
| <i>East</i> | GR-CO, MF-2, LI-CO | GR: Undeveloped, MF-2: Townhomes, LI-CO: Industrial park |
| <i>West</i> | GR-CO, CS-CO | GR-CO: Jack-in-the-Box fast food restaurant, CS-CO: Mini storage |

AREA STUDY: N/A**TIA:** Not required**COUNTY:** Williamson**WATERSHED:** Rattan Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**REGISTERED NEIGHBORHOOD/COMMUNITY ORGANIZATIONS:**

55--Northwood Homeowners Assn.

786--Home Builders Association of Greater Austin

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C14-05-0083 | GR-CO to GR-CO, to allocate vehicle trips to site | 07/05/05 Approved staff rec of GR-CO, condition of 1320 trips, on consent (7-0) | 08/04/05: Approved GR-CO on consent (7-0) on all 3 readings |
| C14-04-0155 | GR-CO to GR-CO, to allocate trips | 11/02/04. Approved staff rec of GR-CO, condition of 1898 trips, on consent (9-0) | 12/02/04. Approved GR-CO (7-0) on all 3 readings |
| C14-02-0138 | I-RR to CS | 09/17/02 Approved staff rec of CS-CO with Equip. Sales and Auto Rentals as allowed/permitted uses (7-0) | 10/24/02: Approved CS-CO on all 3 readings (6-0) |
| C14-02-0132 | MF-3 to GR | 10/22/02: Approved GR-CO zoning (8-0), with the following conditions: 1) The only permitted GR uses are Auto Sales and Auto Repair; 2) Permit LR Uses, with the exception of the following LR uses: Service Station; Food Sales; | 11/21/02: To grant GR-CO zoning, with conditions and a public restrictive covenant (6-0, Goodman-absent); 1 st reading. 12/5/02: To grant GR-CO zoning, |

| | | | |
|-------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <p>Accessory Off-Site Parking; Restaurant (Drive-In Fast Food); Restaurant (Limited) 3) Limit the development intensity to less than 2,000 vehicle trips per day, 4) Require that protected trees shall remain undisturbed; 5) Require that Compatibility Standards be applied along the eastern property line; 6) Require a 25' vegetative buffer along the eastern property line, 7) Limit structures to 40' in height with an increase in height according to Compatibility Standards, 8) Require that all Auto Maintenance and Repair be contained within a structure, 9) Restrict access to San Felipe Boulevard to emergency access only; 10) Allow no inoperable vehicle storage on the site; 11) Do not allow a parking lot adjacent to the proposed vegetative buffer along the eastern property line.</p> | <p>with conditions that no structural detention or water quality facility shall be allowed within the proposed 25 foot vegetative buffer, grow green standards shall be utilized, and structural parking shall be prohibited (7-0), 2nd reading</p> <p>12/12/02: Approved – Petition withdrawn (7-0); 3rd reading</p> |
| C14-02-0017 | I-RR to GR | 02/26/02: Approved staff rec of GR-CO on consent. (7-0) | 04/04/052: Approved GR-CO on all 3 readings. Conditions: 2000 trips; Auto rentals, Auto sales, Auto repair, Auto washing, and Drive-in as accessory use prohibited (6-0) |
| C14-01-0080 | CS-CO to MF-2 | 06/26/01: Approved staff rec. of MF-2 by consent (8-0) | 12/06/01: Approved MF-2 (7-0) on all 3 readings |
| C14-00-2113 | I-RR to GR | 07/25/00: Approved staff rec. of GR-CO, condition of 2000 trips, on consent (7-1, Cravey no) | 08/274/00: Approved GR-CO, condition of 2000 trips, on all readings (7-0). |

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Bus Routes |
|------|-----|----------|----------------|-----------|------------|------------|
|------|-----|----------|----------------|-----------|------------|------------|

| | | | | | | |
|--------------------|--------------|-----|-----------|----|----|-----------------|
| McNeil Drive | 66' – 87' | 65' | Arterial | No | No | 383 Research |
| San Felipe Blvd | 84' | 45' | Collector | No | No | No |

CITY COUNCIL DATE: Feb. 15, 2007**ACTION:****ORDINANCE READINGS:**1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Tina Bui**PHONE:** 974-2755**E-MAIL:** tina.bui@ci.austin.tx.us

STAFF RECOMMENDATION

Staff recommends CS-1 zoning for this site as it is for a proposed 3,570 square feet liquor store within a future shopping center, for which a site plan has already been submitted, that is allowed under the current GR zoning. There are no schools, churches, or day cares within 300 feet of the proposed liquor store. (Council-approved waivers are required for alcohol sales within 300 feet of such uses.) A liquor store within a shopping center at this location is a reasonable use that should not have any detrimental impact on the surrounding neighbors.

The Staff also recommends limiting the uses allowed within the entire shopping center to those that generate no more than 1,898 vehicle trips per day, the limit imposed as part of a rezoning in 2004. There has been a past history of confusing rezonings that amended the conditional overlays applying to this site and adjacent sites for the purpose of redistributing vehicle trips. To help ensure that the correct trip limit is applied, staff recommends the preparation of a public restrictive covenant limiting the entire shopping center to 1,898 vehicle trips. A restrictive covenant must be drafted instead of a conditional overlay since the limit applies to an area beyond the bounds of the rezoning request. (A conditional overlay could only be applied if the trip limit were for the subject rezoning site itself.) The applicant is in agreement with this request.

BASIS FOR RECOMMENDATION

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

CS-1 zoning is the only zoning district which permits liquor stores.

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

A liquor store of this size is not an unreasonable use within the allowed retail and office shopping center located at the intersection of an arterial and collector street.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently undeveloped. A site plan proposing a retail and office shopping center has been submitted. Such a shopping center is allowed under the current GR zoning. There are no schools, churches, or day cares within 300 feet of the proposed liquor store. This shopping center will access both San Felipe Boulevard and McNeil Drive.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Environmental & Impervious Cover

1. The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Rattan Creek Watershed, 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 on this site will be subject to the following impervious cover limits.

| <i>Development Classification</i> | <i>% of Net Site Area</i> | <i>% NSA 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% |

2. In the Water Quality Transition Zones, impervious cover is limited to 30%.
- 3 According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
- 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 At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
- 6 Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
 - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
- 7 At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.
8. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process

Site Plan

There is an existing site plan for this property (SP-05-0845C) which provides for 12,520 square feet of retail, restaurants, office, and medical services uses, along with associated parking, utilities, storm water detention and water quality facilities.

Transportation

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Bus Routes |
|--------------|------------|-----------------|-----------------------|------------------|-------------------|-------------------|
| McNeil Drive | 66' – 87' | 65' | Arterial | No | No | 383 Research |

| | | | | | | |
|-----------------|-----|-----|-----------|----|----|----|
| San Felipe Blvd | 84' | 45' | Collector | No | No | No |
|-----------------|-----|-----|-----------|----|----|----|

No additional right-of-way is needed at this time

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Staff recommends the cumulative vehicle trips per day for this proposed tract and the remaining balance of the original tract not exceed the current existing limit of 1898 trips per day

Water and Wastewater

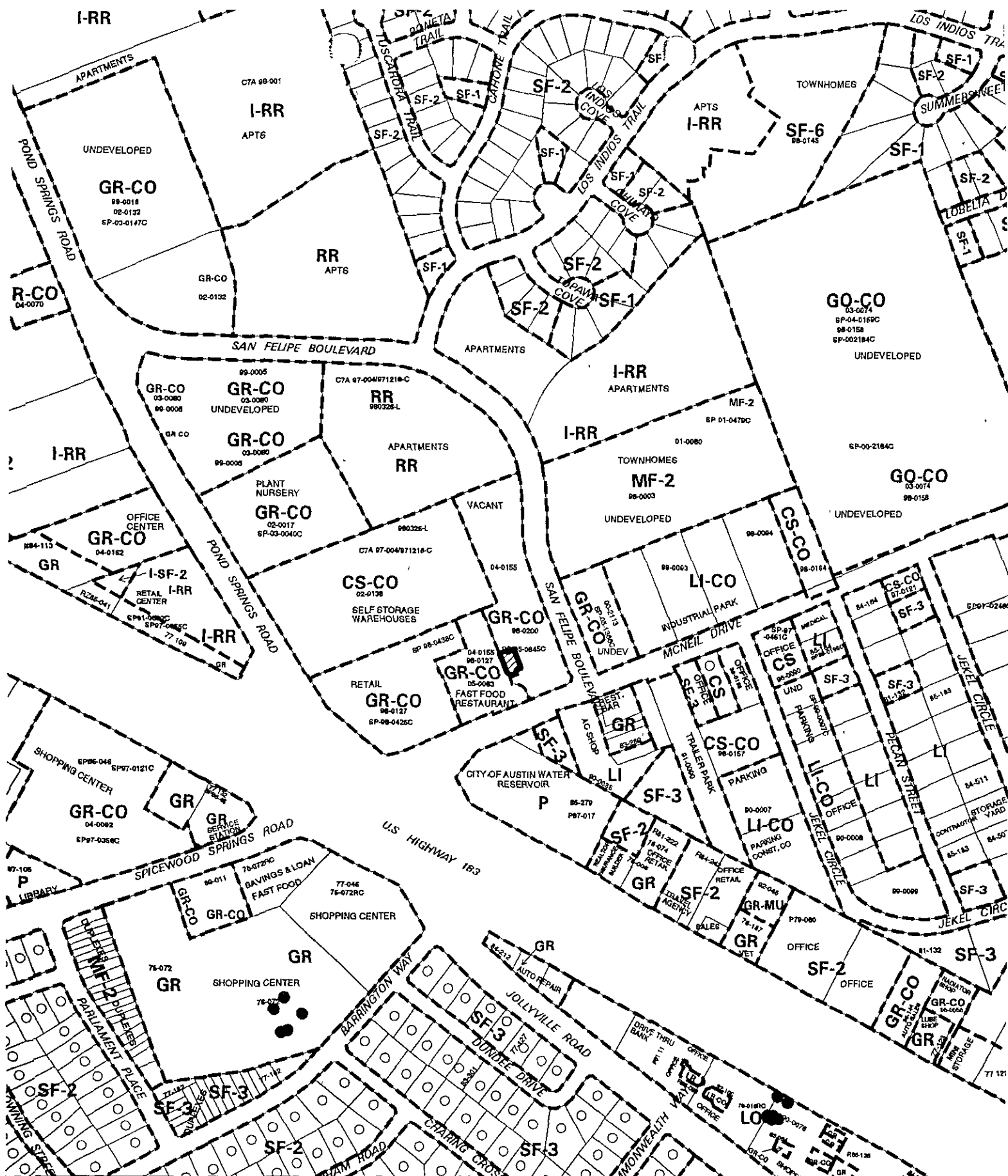
The landowner intends to serve the site with City of Austin water and wastewater utility service.. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees

Compatibility Standards

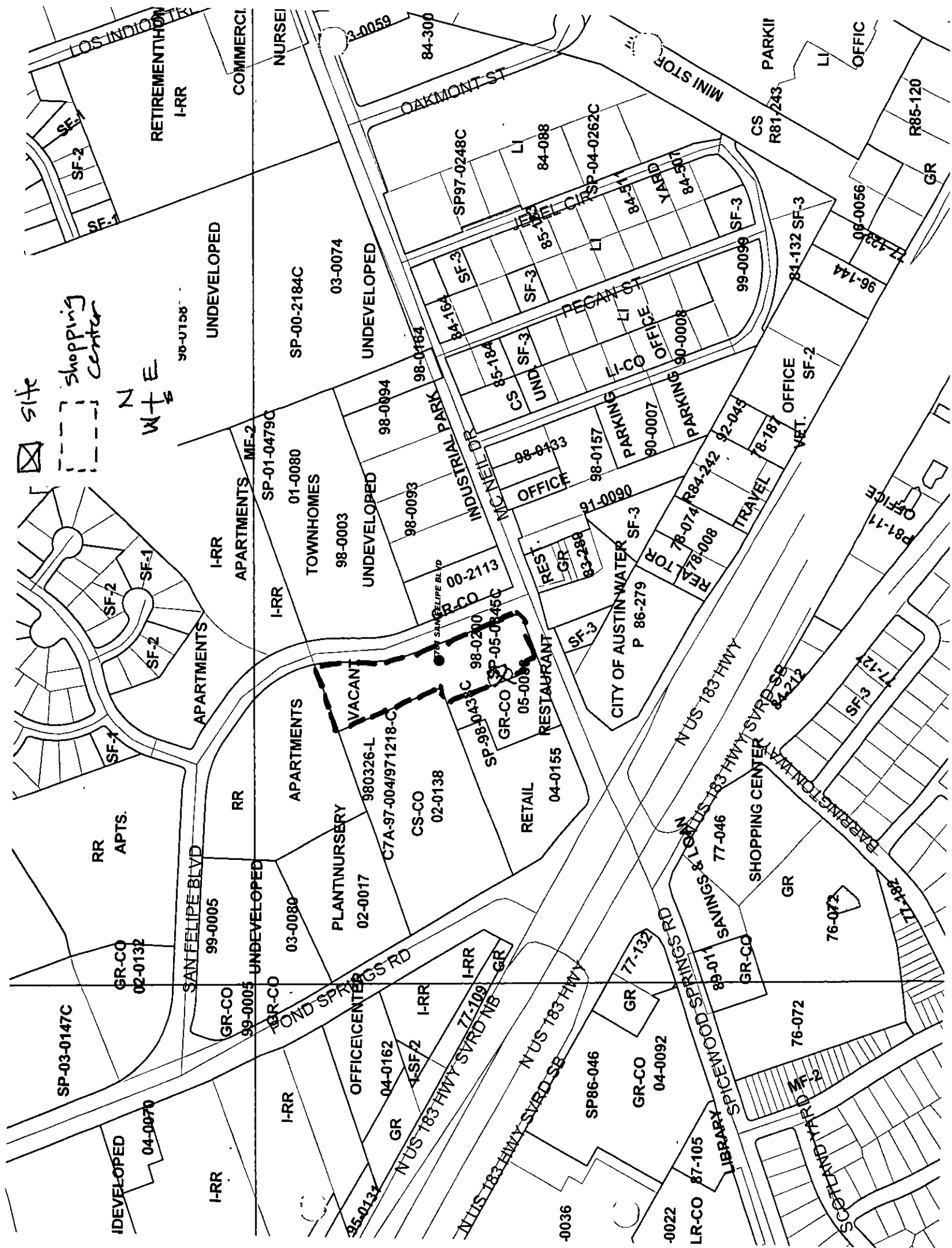
The site is subject to compatibility standards. Along the North and South property lines, the following standards apply.

- 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 in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH. 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.

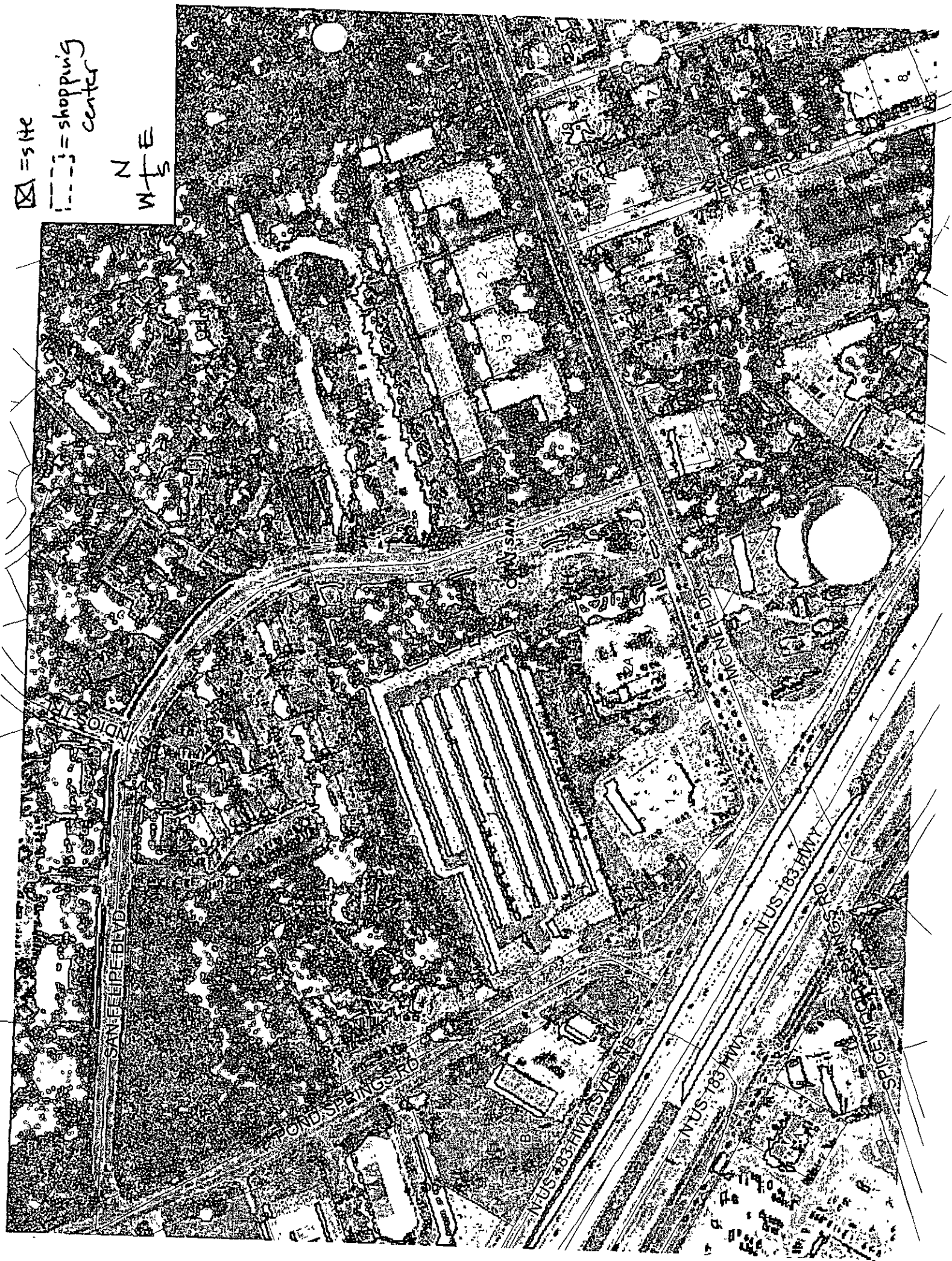
Additional design regulations will be enforced at the time a site plan is submitted.



| | | | | | |
|---------------|----------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------|
| 1" = 400' | SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: T. BUI | | ZONING CASE #: C14-06-0225 ADDRESS: 7701 SAN FELIPE BLVD SUBJECT AREA (acres): 0.080 | DATE: 06-12 INTLS. SM | CITY GRID REFERENCE NUMBER H36 |
|---------------|----------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------|



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Z



AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7701 SAN FELIPE BOULEVARD FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES (CS-1) DISTRICT.

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from community commercial-conditional overlay (GR-CO) combining district to commercial-liquor sales (CS-1) district on the property described in Zoning Case No. C14-06-0225, on file at the Neighborhood Planning and Zoning Department, as follows:

locally known as 7701 San Felipe Boulevard, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "B".

PASSED AND APPROVED

www

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk

FOREST SURVEYING AND MAPPING CO.

1002 Ash St.
Georgetown, Tx. 78626

DESCRIPTION FOR SAN FELIPE CONDOMINIUM PLAT (SPOT ZONING)

BEING 3570 square feet area situated within the City of Austin, in Williamson County, Texas; part of Lot 1A, Amended Plat of Lot 1, San Felipe Green and Lot 2, Suncor-Greenwood Addition, a plat of record in Cabinet AA, Slide 149, Plat Records and in Doc. No. 2005040768, Official Records of Williamson County, Texas (ORWCT). The bearing basis of this survey is the monumentation found in the West line of San Felipe Blvd. as shown on the attached plat.

COMMENCING FOR REFERENCE at an iron pin which was found at an exterior ell corner in the West line of said Lot 1A, at the Northeast corner of Lot 2A of said Amended Plat.

THENCE with the lower West boundary of said Lot 1A and the East boundary of Lot 2A, S 22 deg. 31 min. 22 sec. E 155.62 feet

THENCE departing the property line, (L12) N 67 deg. 26 min. 53 sec. E 0.48 feet to the corner of an existing building and to the TRUE POINT OF BEGINNING.

THENCE with the building wall, (L1) N 67 deg. 26 min. 53 sec. E 28.01 feet.

THENCE along a party wall, (L2) S 22 deg. 33 min. 44 sec. E 5.04 feet; (L3) N 67 deg. 26 min. 53 sec. E 20.83 feet; and S 22 deg. 33 min. 07 sec. E 64.96 feet.

THENCE with the South wall of the existing building, (L4) S 67 deg. 26 min. 53 sec. W 13.34 feet; (L5) S 22 deg. 26 min. 53 sec. W 14.50 feet; (L6) S 67 deg. 26 min. 53 sec. W 14.79 feet; (L11) N 67 deg. 33 min. 07 sec. W 14.79 feet.

THENCE with the West wall of the building, N 22 deg. 33 min. 07 sec. W 69.79 feet to the POINT OF BEGINNING.

STATE OF TEXAS :
: KNOW ALL MEN BY THESE PRESENTS;
COUNTY OF WILLIAMSON :

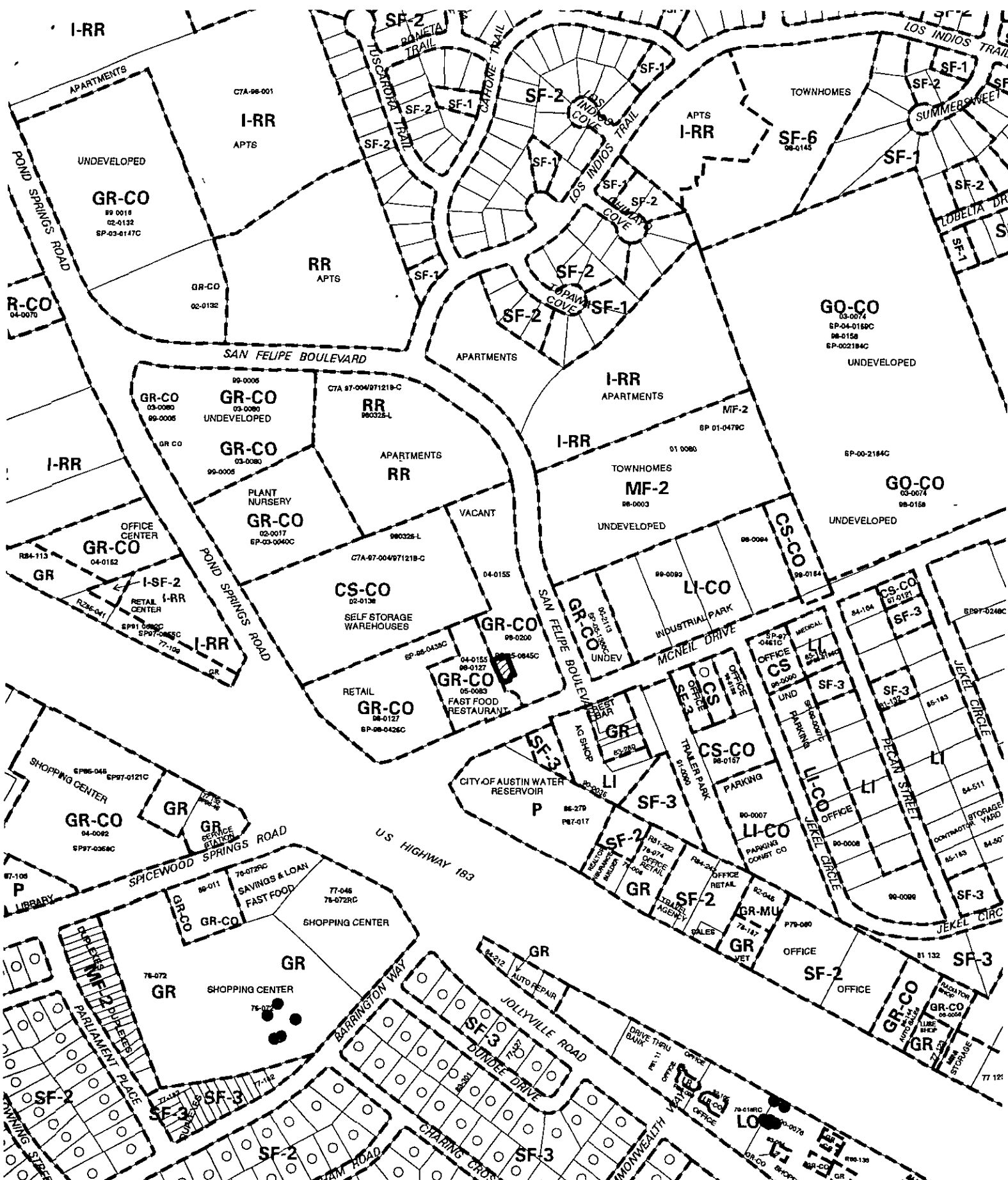
I, WM. F. FOREST, JR., do hereby certify that this description was prepared based on calculations made this date. This perimeter has not been staked on the ground. Ownership and easement information for this tract has not been researched except as shown on the attached plat.

TO CERTIFY WHICH, WITNESS my hand and seal at Georgetown, Texas, this the 9th day of August of 2006, A.D. File:Word47: San Felipe-spotzone

 WM.F. FOREST JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1847

EXHIBIT A





| | | | | | |
|---------------|------------------|--|--------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------|
| 1" = 400' | SUBJECT TRACT | | ZONING EXHIBIT B CASE #: C14-06-0225 ADDRESS: 7701 SAN FELIPE BLVD SUBJECT AREA (acres): 0.080 | DATE: 06-12 INTLS. SM | CITY GRID REFERENCE NUMBER H36 |
| | PENDING CASE | | | | |
| | ZONING BOUNDARY | | | | |
| | CASE MGR: T. BUI | | | | |
| | | | | | |

RESTRICTIVE COVENANT

OWNER: San Felipe Market, Ltd, a Texas limited partnership

ADDRESS: 10200 Prism Drive, Austin, Texas 78726

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 1A, Amended Plat of Lot 1, San Felipe Green and Lot 2, Suncor-Greenwood Addition, plats of record in Cabinet AA, Slide 149, and Document No. 2005040768, respectively, in the Official Records of Williamson County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its successors and assigns.

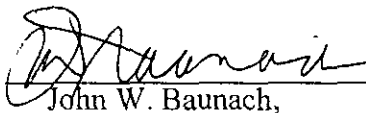
1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 1,898 trips per day.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2007

OWNER:

**San Felipe Market, Ltd.,
a Texas limited partnership**

By: Lantana Holdings, LLC,
a Texas limited liability company

By: 
John W. Baunach,
Manager

APPROVED AS TO FORM.

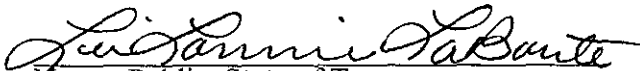
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 2nd day of February, 2007, by John W. Baunach, Manager of Lantana Holdings, LLC, a Texas limited liability company, General Partner of San Felipe Market, Ltd., a Texas limited partnership, on behalf of the company and the partnership




Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal

Restrictive covenant
San Felipe Market, Ltd.