

A U S T I N C I T Y C O U N C I L

# AGENDA



Thursday, March 01, 2007

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

**ITEM No. 60**

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**Subject:** C14-06-0210 - Burger King - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7105 IH-35 North Service Road (Buttermilk Branch Watershed) from limited industrial service (LI) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning Applicant Leemak, L P (Fazil Malik) Agent: A.J. Ghaddar, P.E. and Associates (A.J. Ghaddar) City Staff Robert Heil, 974-2330.

**Additional Backup  
Material**

(click to open)

Staff\_Report

**For More Information:**

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-06-0210

**PC Date:** January 16, 2007  
January 30, 2007

**PROJECT:** Burger King

**ADDRESS:** 7105 N IH-35 Service Road

**OWNER/APPLICANT:** Leemak, LP (Fazil Malik)

**AGENT:** AJ Ghaddar, P.E. (A.J. Ghaddar)

**ZONING FROM:** LI

**TO:** CS-CO

**AREA:** 0.861 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of General Commercial Services – Conditional Overlay (CS-CO) combining district zoning. The conditional overlay would make the following uses prohibited:

- Adult Oriented Business
- Pawn Shop Services
- Service Stations
- Food Sales

### **PLANNING COMMISSION RECOMMENDATION:**

**January 16, 2007:** Meeting canceled due to extreme weather.

**January 30, 2007:** Approved staff's recommendation of CS-CO, with the additional provision of street trees to be planted no more than 30' apart along St. Johns and the IH-35 service road.

### **DEPARTMENT COMMENTS:**

The tract is zoned Limited Industrial Services (LI) , and the request is for General Commercial Services (CS). The intent is to develop the site with a fast food restaurant.

The property lies adjacent to the Foundation Communities Bannister Oaks development, recently opened. This community provides affordable housing and other services for qualified Austin residents.

The conditional overlay would prohibit uses not compatible with the particular adjacent residential use. Food sales would not prohibit a fast food restaurant (which is considered a restaurant – limited use), but would prohibit a convenience store.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LI	Vacant
<i>North</i>	LI	Home Depot
<i>South</i>	CS	Offices
<i>East</i>	CS-MU-CO	Multifamily Housing (Foundation Communities)
<i>West</i>	CS (across IH-35)	Gas Station and Motel

**AREA STUDY:** The property lies within the proposed St John's Neighborhood Planning Area

**TIA:** N/A

**WATERSHED:** Buttermilk Creek **DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No **HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Edward Joseph Developments, Ltd.
- Austin Neighborhoods Council
- North East Action Group
- Taking Action Inc.
- St John's Neighborhood Association
- St. John's Advisory Board
- Village at Coronado Hills Homeowners' Association

**SCHOOLS: (AISD)**

Pickle Elementary School      Webb Middle School      Reagan High School

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Bus Routes</b>
St. Johns Ave.	90'	45'	Arterial	Yes	No	300 Govalle 320 St. Johns 339 Walnut Creek
N IH 35 SVC Rd	355'	330'	Freeway	Yes	No	No

**CITY COUNCIL DATE:** **ACTION:**

March 1, 2007

**ORDINANCE READINGS:**      1<sup>st</sup>      2<sup>nd</sup>      3<sup>rd</sup>


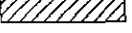


C14-06-0210

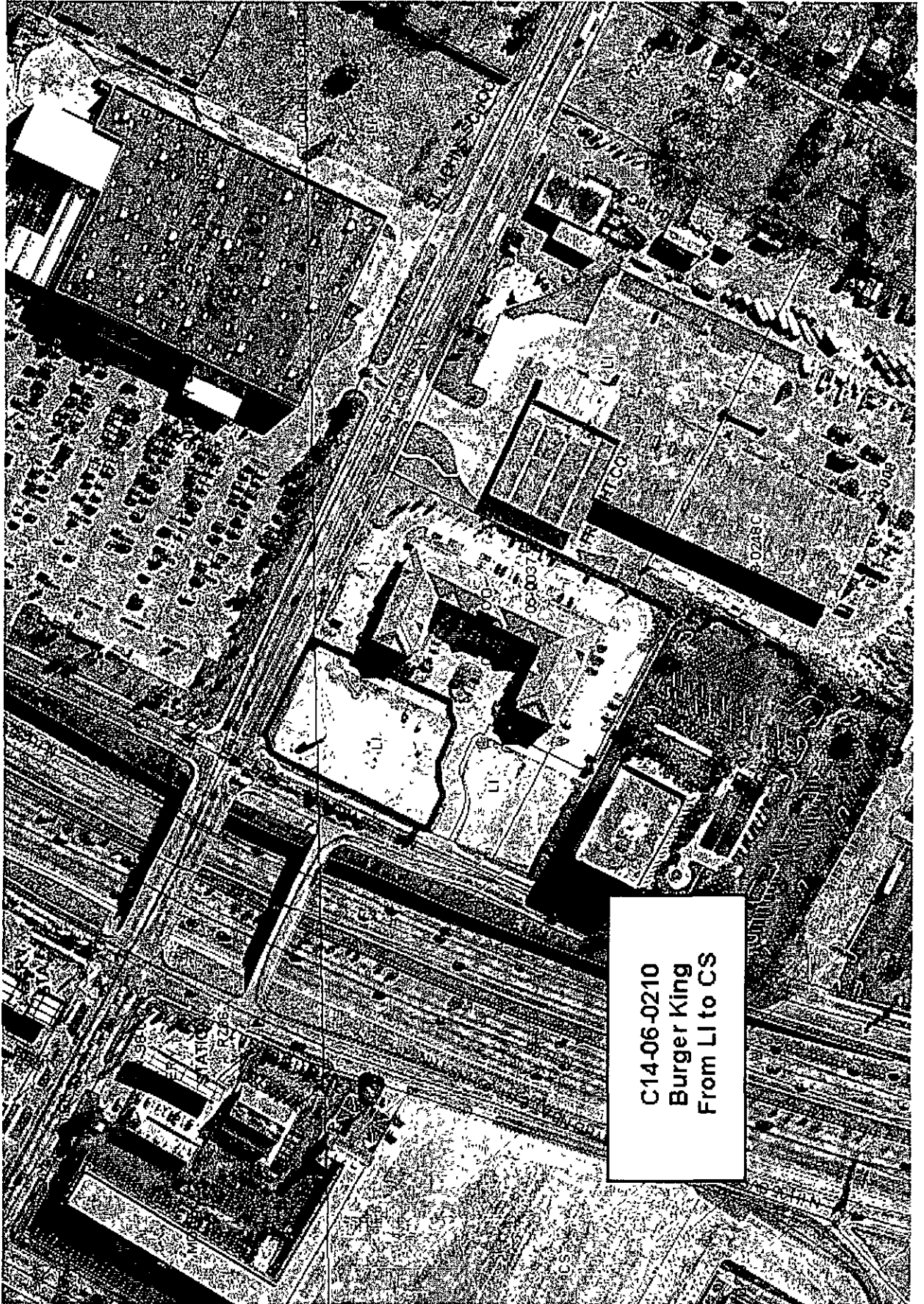
**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address. robert.heil@ci austin.tx.us

**PHONE:** 974-2330



 1" = 400'	SUBJECT TRACT 	<b>CASE #: C14-06-0210</b> <b>ADDRESS: 7105 N IH 35 SVRD</b> <b>SUBJECT AREA (acres): 0.861</b>	<b>DATE: 06-11</b>  <b>INTLS. SM</b>	<b>CITY GRID REFERENCE NUMBER</b> <b>L27</b>
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: R HEIL			



C14-06-0210  
Burger King  
From LI to CS

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## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The Commercial Services zoning request is consistent with the location and surrounding uses. The conditional overlay would prohibit uses incompatible with the adjacent residential use

## **Transportation**

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

The traffic impact analysis for this site was waived because the proposed uses yield a high pass-by trip reduction and no additional improvements can be identified at the intersection of St. Johns and IH 35 at this time.

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped. [LDC, Sec. 25-6-51 and 25-6-55)

St. Johns Avenue is classified as part of the Metropolitan Bicycle Route System.

## **Existing Street Characteristics:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Bus Routes</b>
St Johns Ave	90'	45'	Arterial	Yes	No	300 Govalle 320 St Johns 339 Walnut Creek
N IH 35 SVC Rd	355'	330'	Freeway	Yes	No	No

## **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Buttermilk Creek Watershed of the Colorado River Basin, which is classified as an Urban

Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone/ Desired Development Zone. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

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.

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

#### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the 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 and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.