

ZONING CHANGE REVIEW SHEET

CASE: C814-98-0001.03

P.C. DATE: March 27, 2007

ADDRESS: 4301 West William Cannon Drive

OWNER & APPLICANT: CP Austin Forum 71, **AGENT:** DAVCAR Engineering
L.P. (William Chaffe) Services (Jim Herbert)

ZONING FROM: PUD **TO:** PUD **AREA:** 0.043 acres (1,894 square feet)

SUMMARY STAFF RECOMMENDATION: The Staff recommendation is to grant the Applicant's requested amendment to planned unit development (PUD) district zoning, in order to add "Cocktail Lounge" as an Additional Permitted Use for 0.043 acres within Parcel B of Tract II of the Forum PUD, as further illustrated in Exhibit A.

PLANNING COMMISSION RECOMMENDATION:

March 27, 2007: *APPROVED AN AMENDMENT TO PUD DISTRICT ZONING, IN ORDER TO ADD COCKTAIL LOUNGE AS AN ADDITIONAL PERMITTED USE FOR 0.043 ACRES WITHIN PARCEL B OF TRACT II OF THE FORUM PUD, AS FURTHER ILLUSTRATED IN EXHIBIT A, AS STAFF RECOMMENDED; BY CONSENT.*

[J. REDDY, C. GALINDO – 2ND] (9-0)

EXHIBITS TO THE STAFF REPORT:

Exhibits A and A-1: Current Zoning Map and Aerial View
Exhibit B: Tract and Parcel Layout for the Forum PUD
Exhibit C: Permitted Uses Table for the Forum PUD

ISSUES:

A letter of support from the Western Oak Property Owners Association is located at the back of the Staff report.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a vacant lease space within the Arbor Trails shopping center that includes retail, restaurant and financial services uses. The shopping center is zoned planned unit development (PUD) by way of a 1998 – 1999 rezoning application and comprises Tract II of the Forum Planned Unit Development. Please refer to Exhibits A, A-1 and B. The shopping center takes access William Cannon Drive and the southbound frontage road of MoPac Expressway.

The Applicant proposes an amendment to the Permitted Uses Table for Parcel B to add a Cocktail Lounge use, limited to the location shown in Exhibit A, to be known as WineStyles.

Operators of the WineStyles business would provide for the sale and consumption of wine and food on-site. Staff recommends the amendment due to its limited size, distance from the residential uses to the west, and continuation of the established development standards, vegetative buffer and points of access that would maintain the character of this development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD	Vacant lease space
<i>North</i>	PUD	Retail uses, a restaurant, undeveloped areas, a bank and a jewelry store within the Arbor Trails shopping center
<i>South</i>	PUD	Wholesale food and retail sales use (Costco)
<i>East</i>	PUD	Furniture sales business and retail uses within the Arbor Trails shopping center
<i>West</i>	PUD	Retail uses within the Arbor Trails shopping center

NEIGHBORHOOD PLANNING AREA: Oak Hill **TIA:** Is not required
Neighborhood Plan Area (East Oak Hill)

WATERSHEDS: Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No
Barton Springs Zone – Recharge Zone

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** Yes

NEIGHBORHOOD ORGANIZATIONS:

89 – Westcreek Neighborhood Association 263 – Bannockburn Neighborhood Association
288 – City of Sunset Valley 298 – Oak Hill Association of Neighborhoods
384 – Save Barton Creek Association 385 – Barton Springs Coalition
428 – Barton Springs / Edwards Aquifer Conservation District
627 – Onion Creek Homeowners Association
705 – OHAN 78735 706 – OHAN 78736 707 – OHAN 78737
708 – OHAN 78738 709 – OHAN 78739 710 – OHAN 78749
742 – Austin Independent School District 779 – Oak Hill Combined NPA Staff Liaison
786 – Home Builders Association of Greater Austin
943 – Save Our Springs Alliance 947 – Deer Park at Maple Run
967 – Circle C Neighborhood Association 997 – Tanglewood Oaks Owners Association

SCHOOLS:

Patton Elementary School Small Middle School Austin High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0137 – (CVS at William Cannon)	LO-CO to LR	To Grant LR-CO with the CO for a 50-foot wide undisturbed vegetative buffer along the east property line.	Approved LR-CO as ZAP recommended (9-28-06).
C814-98-0001.02 (Life Time Fitness)	PUD to PUD, to change conditions of zoning	To Grant PUD amendments	Approved PUD amendments as recommended by the Environmental Board and the ZAP (6-22-06).
C814-98-0001.01 (Southwest Marketplace)	PUD to PUD, to change the conditions of zoning	To Grant PUD with the Restrictive Covenant for the Traffic Phasing Agreement	Approved PUD with conditions as recommended by the Environmental Board and ZAP (9-2-04).

RELATED CASES:

The subject rezoning area (37.540 acres) was Tract III of five tracts of land (totaling 424.781 acres) known as the Forum Planned Unit Development (C814-98-0001 – Ordinance # 990408 – 14). Tracts I, II and III are to be developed. Tract IV, located east of MoPac and south of William Cannon Drive, is a 147-acre Preserve tract, and also known as Mitigation Property that serves to offset impervious cover allowed on other developable tracts. Tract V (also known as the Blowing Sink Tract), located southwest of Deer Lane and Brodie Lane, consists of 165.27 acres and was dedicated to the City of Austin as Mitigation Property. The Blowing Sink Tract contains significant environmental recharge features.

City Council approved PUD zoning for these properties on April 8, 1999. Tract II consisted of Parcels B, C, D and E; Parcel C carried GO zoning and uses while the remaining three carried GR zoning. The accompanying Development Regulations included compliance with Green Builder Standards; required a 200-foot wide vegetative buffer abutting Brush Country Road and prohibited access to this road; required a pedestrian access system; established allowable impervious cover; established restrictions on office uses; established a 100,000 square foot of gross floor area cap for single-occupant commercial use (amended to 153,000 square feet for a single tenant in September 2004 by C814-98-0001.01 – Southwest Marketplace); and established a 1-acre site area for plant nursery use. Permitted uses were also established, in addition to Green Builder standards and water quality criteria.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Brush Country Road	130 – 140 feet	40 – 60 feet	Minor Arterial	5,913 (2001)
William Cannon Drive	150 feet	2 @ 36 feet	Major Arterial	33,086 (2002)
Loop 1 (MoPac)	375 – 420 feet	2 @ 24 feet	Parkway	36,000 (2001)

- There are existing sidewalks along William Cannon Drive.
- Capital Metro bus service is available at the intersection of Convict Hill and Brushy Country.

CITY COUNCIL DATE: May 3, 2007 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



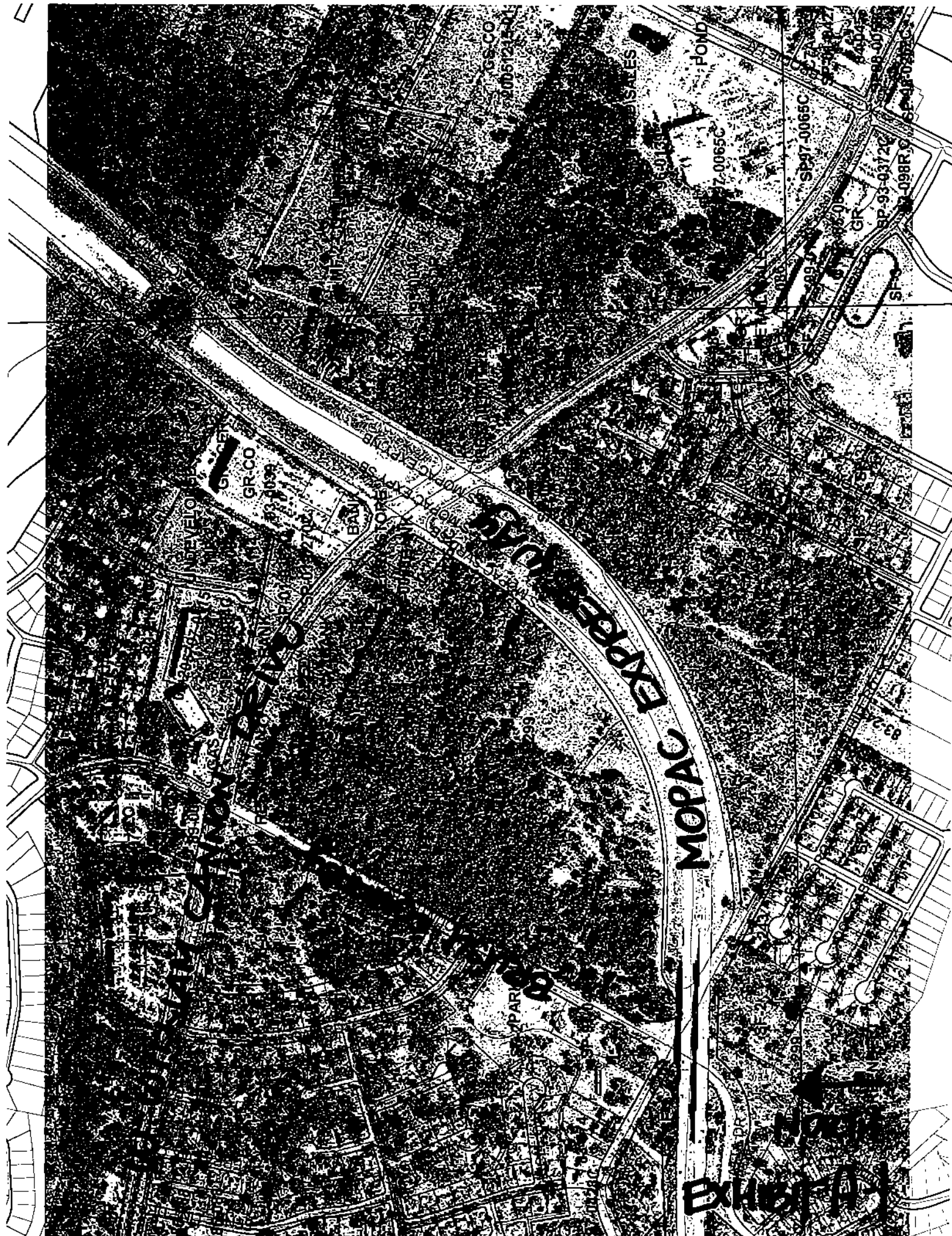
CASE MGR: W. WALSH

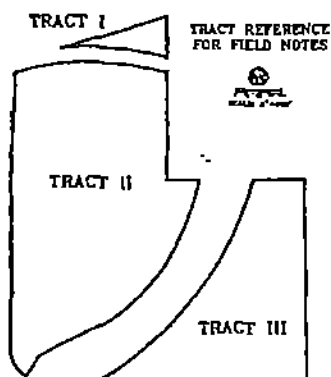
Exhibit A

INTLS: SM

D18

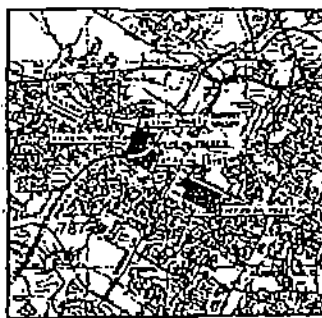
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IDENTITY MAP

THE FORUM

PLANNED UNIT DEVELOPMENT

THE FOLLOWING IS A
LIST OF THE NAMES OF THE
AND THE NAMES OF THE

Project Name	Project Number	Project Type	Project Status	Project Location	Project Manager	Project Start Date	Project End Date	Project Budget	Project Progress	Project Notes
Project A	101	Construction	Completed	New York	John Doe	2020-01-01	2020-03-31	\$1,000,000	100%	Project completed on time and within budget.
Project B	102	Software Development	In Progress	California	Jane Smith	2020-04-01	2020-06-30	\$500,000	75%	Project is on track for completion.
Project C	103	Marketing Campaign	Planned	Florida	Mike Johnson	2020-07-01	2020-09-30	\$250,000	0%	Project is in the planning phase.
Project D	104	Research & Development	On Hold	Illinois	Sarah Lee	2020-10-01	2020-12-31	\$750,000	20%	Project is on hold due to budget constraints.
Project E	105	Infrastructure Upgrade	Completed	Texas	David Brown	2021-01-01	2021-03-31	\$1,500,000	100%	Project completed successfully.
Project F	106	Product Launch	In Progress	Washington	Emily White	2021-04-01	2021-06-30	\$300,000	60%	Project is progressing well.
Project G	107	System Integration	Planned	Arizona	Chris Green	2021-07-01	2021-09-30	\$400,000	0%	Project is in the planning phase.
Project H	108	Facility Renovation	On Hold	Colorado	Alex Black	2021-10-01	2021-12-31	\$600,000	10%	Project is on hold due to budget constraints.
Project I	109	Customer Service Initiative	Completed	Georgia	Olivia Pink	2022-01-01	2022-03-31	\$150,000	100%	Project completed successfully.
Project J	110	IT Security Audit	In Progress	Connecticut	Noah Blue	2022-04-01	2022-06-30	\$200,000	50%	Project is progressing well.

The bottom line

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THE STRAIGHT RACE

DOI: 10.1002/for

1) <u>12-14-76</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.111364
2) <u>15-16-76</u> <u>PRACY</u> (estimated by data in PRACY and Weight for 2 days in PRACY)	0.12%	0.101364
3) <u>17-18-76</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
4) <u>19-20-76</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
5) <u>21-22-76</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
6) <u>23-24-76</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
7) <u>25-26-76</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
8) <u>27-28-76</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
9) <u>29-30-76</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
10) <u>31-1-77</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
11) <u>1-2-77</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
12) <u>3-4-77</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
13) <u>5-6-77</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
14) <u>7-8-77</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
15) <u>9-10-77</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
16) <u>11-12-77</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
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24) <u>27-28-77</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
25) <u>29-30-77</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
26) <u>31-1-78</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
27) <u>1-2-78</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
28) <u>3-4-78</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
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30) <u>7-8-78</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
31) <u>9-10-78</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
32) <u>11-12-78</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
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42) <u>31-1-79</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
43) <u>1-2-79</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
44) <u>3-4-79</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
45) <u>5-6-79</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
46) <u>7-8-79</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
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48) <u>11-12-79</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
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57) <u>29-30-79</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364
58) <u>31-1-80</u> <u>PRACY</u> (estimated by data in PRACY)	0.12%	0.101364

TABLE OF EXHIBITS
ORDINANCE NO.

1. EXHIBIT A- LAND USE PLAN (see attached sheets 2-3 and 3-3)
2. EXHIBIT B- FORUM PUD DEVELOPMENT REGULATIONS
3. EXHIBIT C- DESCRIPTION OF PROPERTY AND ZONING MAP
4. EXHIBIT D- PERMITTED USES TABLE
5. EXHIBIT E- GREEN BUILDER STANDARDS
6. EXHIBIT F- DESCRIPTION OF MITIGATION PROPERTY
7. EXHIBIT G- WATER QUALITY CRITERIA

EXHIBIT B
THE FORM PUD -
TRACT AND PARCEL LAYOUT

PLANNED ENVIRONMENTS INC.,

 10000 W. 10th Ave., Suite 100, Denver, CO 80231

EXHIBIT "D"

THE FORUM PUD PERMITTED USES TABLE

The Forum PUD Land Use Plan has been divided into Parcels A through J. The Parcels are identified on the PUD Land Use Plan using the familiar City of Austin zoning designations. For each Parcel, the permitted and conditional uses in the zoning base district associated with the Parcels, as set out in the Table of Permitted, Conditional and Prohibited Uses in §25-2-491 of the Austin City Code in effect on the date of approval of the PUD zoning ordinance, are intended to be the permitted and conditional uses for that Parcel within the PUD Land Use Plan, with certain additions or exclusions, as detailed below:

<u>Parcels</u>	<u>Base District</u>	<u>Additional Permitted Uses</u> ↓	<u>Additional Excluded Uses</u>
A (3.11 acres)	GR	Liquor Sales, Plant Nursery, Veterinary Services	Service Station.
B (21.85 acres)	GR	Plant Nursery, Veterinary Services, Liquor Sales	Service Station and Restaurant (Drive-In, Fast Food).
C (27.49 acres)	GO	Veterinary Services	None.
D (13.38 acres)	GR	Plant Nursery, Veterinary Services, Convalescent Services, Liquor Sales, Hospital Services (General)	Service Station and Restaurant (Drive-In, Fast Food).
E (8.91 acres)	GR	Veterinary Services, Liquor Sales, Construction Sales, and Services	Service Station and Restaurant (Drive-In, Fast Food).
F (16.84 acres)	LR	Convalescent Services, General Retail Sales (General), Medical Offices (exceeding 5,000 sq.ft. of gross floor area), Outdoor Sports & Recreation, Congregate Living, Hospital Services (Limited)	Service Station and Restaurant (Drive-In, Fast Food).
G (134.50 acres)	(1)	(1)	(1)
H (12.73 acres)	(1)	(1)	(1)
I (5.48 acres)	GR	Veterinary Services, Liquor Sales, Construction Sales, and Services	Service Station and Restaurant (Drive-In, Fast Food).

EXHIBIT C
PROPOSED AMENDMENT TO PERMITTED
USES TABLE

<u>Parcels</u>	<u>Base District</u>	<u>Additional Permitted Uses</u>	<u>Additional Excluded Uses</u>
J (20.70 acres)	LO	Congregate Living, Outdoor Sports & Recreation, Hospital Services (Limited)	None.

- (1) Parcels G and H shall be used for educational purposes in the study of ecology, the environment, and natural and physical sciences. Parcel G shall be undeveloped except that trails and trail markers are permitted. Parcel H shall be undeveloped except that development incidental to and necessary for such educational use, including but not limited to trails and a covered staging area and/or a small building to provide shelter and instructional opportunities, is permitted. No paved surfaces are allowed on Parcel G except as required to comply with the Americans With Disabilities Act ("ADA").

STAFF RECOMMENDATION

The Staff recommendation is to grant the Applicant's requested amendment to planned unit development (PUD) district zoning, in order to add "Cocktail Lounge" as an Additional Permitted Use for 0.043 acres within Parcel B of Tract II of the Forum PUD, as further illustrated in Exhibit A.

BASIS FOR RECOMMENDATION

1. Zoning changes should promote an orderly and compatible relationship among land uses.

Staff recommends the amendment due to its limited size, distance from the residential uses to the west, and continuation of the established development standards, vegetative buffer and points of access that would maintain the character of this development.

EXISTING CONDITIONS

Site Characteristics

The property is developed with a retail shopping center, and also includes a furniture sales business, a restaurant and financial services use. Environmental studies have concluded that there are no significant environmental features on this property.

Impervious Cover & Environmental

The proposed amendments to the Forum PUD land use plan and site development regulations will not directly affect environmental reviews of future site plans, as reviewed by the original ordinance.

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the Forum PUD ordinance that allows 65% impervious cover.

According to flood plain maps, there is no flood plain within 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. Per the Forum PUD ordinance, all landscaping will comply with the Green Building Standards.

Transportation

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

For Tracts I, II and III of the Forum PUD, the trip generation is estimated to be 18,166 trips per day, compared with 21,489 assumed in the September 2003 traffic impact analysis addendum. This site will comply with the conditions and regulations of the approved TIA and subsequent addendums.

A restrictive covenant was executed in 1998 with the zoning case requiring the developer to provide 100 percent of the cost of certain roadway improvements identified in the TIA.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, 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 design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associate City fees.

Western Oaks Property Owners Association
(WOPOA)
C/O Pioneer Property Management
611 South Congress Avenue
Austin, TX 78704

Date: February 11, 2007

To:
Ms. Wendy Walsh
Neighborhood Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

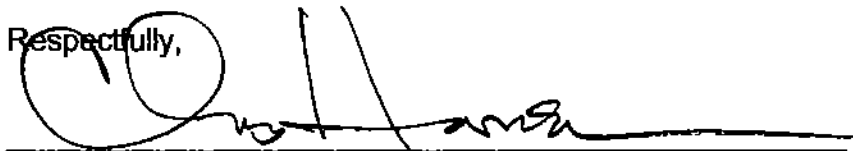
RE: The Shops at Arbor Trails (known as the Forum PUD)
Application for Conditional Use Permit – WineStyles
71.63 Acre Tract Located at the Southwest Corner of
Mopac Expressway and William Cannon Drive

Dear Ms. Walsh

As President of the Board of the Western Oaks Property Association (WOPOA), I wish to express our support for the Conditional Use Permit Application by WineStyles www.winestyles.net to allow the on-premises consumption of alcohol (wine) at their proposed location at the Shops at Arbor Trails. The developer is planning several restaurants within the development, including the same building as WineStyles, that will sell alcohol along with their food service. We believe WineStyles should have that same opportunity. WineStyles is an attractive use that compliments the other proposed uses within the center. We look forward to their arrival.

Please let me know if you have any questions and thank you for your consideration of this request.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Harrison", written over a horizontal line.

Chris Harrison
President, WOPOA

cc: William Chaffe, Cardinal Paragon, Inc., via facsimile (214) 360-1844 (with enclosures)

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-98-0001.03

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

March 27, 2007 Planning Commission

☐ I am in favor
☒ I object

R.J. & G.H. KROUSEY

Your Name (please print)

6000 Guinda Ln Austin TX 78739

Your address(es) affected by this application

Robert Krousey

Signature

03/18/07

Date

Comments:

Cocktail Lounge

1) This type business does not add to the value and quality of surrounding neighborhood.

2) Too much information already exists on Austin Streets. Let's not make it any easier for our citizens to become drunk.

3) "Cocktail" Lounges tend to bring low life people to the area; hangouts for drug dealers etc -

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810