

ZONING REVIEW SHEET**CASE:** C14-2007-0099**P.C. DATE:** August 14, 2007
August 28, 2007**ADDRESS:** 801 West Braker Lane**APPLICANT:** Asian Center Grocery (Minh Duc Lu)**AGENT:** Jim Bennett Consulting
(Jim Bennett)**REZONING FROM:** CS (Commercial services)**TO:** CS-1 (Commercial – liquor sales)**AREA:** 0.04 Acres (1,742.4 sq. ft)**SUMMARY PLANNING COMMISSION RECOMMENDATION:***August 28, 2007:****APPROVED STAFF'S RECOMMENDATION FOR CS-1 DISTRICT ZONING.******[J.REDDY, M.DEALEY 2ND] (5-3) T.ATKINS, P.CAVAZOS, D.SULLIVAN – NAY*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning request to CS-1. The recommendation is based on the following considerations:

- 1.) The proposed rezoning is compatible with surrounding commercial uses in the established commercial center;
- 2.) The site lies at the intersection of two major arterials; and
- 3.) The requested zoning classification will affect a building footprint of approximately 1,742.4 square feet to ensure land use compatibility;
- 4.) All terms and conditions under Ordinance No. 040325-49 and the approved TIA restrictive covenant shall remain.

DEPARTMENT COMMENTS:

The property lies within the North Lamar Planning area which will initiate a neighborhood plan for the area bounded by Braker Lane to the north, Rundberg Lane to the south, IH-35 to the east, and Lamar Boulevard to the west. The site consists of a 0.04 acre (1,742.4 sq. ft) building footprint within an established commercial center with access to Braker Lane zoned of CS containing various retail and commercial uses. The applicant seeks to rezone a building footprint to CS-1 to allow for liquor sales. A place of business where alcoholic beverages are sold cannot be located within 300 feet of a church measured from front door to front door nor within 300 feet of a public school measured from the property line of the business to the property line of the school. If the liquor sales business is in leased space within a shopping center, the method of measuring the distance is from the lease space of the business to the property line of the school. Both the church on Braker Lane east of the site and Walnut Creek Elementary on Braker Lane east of the site are located at approximately 690 feet and 975 feet respectively. McBee Elementary School located west of the subject site lies at approximately 1,417 feet from the proposed liquor store. The site is surrounded by retail uses including and adult video store, pharmacy, convenience store, and furniture sales.

On April 18, 2000, the same applicant filed a 1,224 footprint area rezoning request for CS-1 to allow a office and liquor sales. The Staff and Zoning and Platting Commission recommended approval of the request. On May 11, 2000, the City Council denied the applicant's request on a vote of 6-1.

Two additional zoning cases have been filed on this site under case C14-03-0182 from GO to GR-CO and under case C14-05-0097 to modify TIA requirements. No changes are proposed to the approved rezonings under Ordinance No. 040325-49 and approved restrictive covenant addressing the TIA modifications.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Commercial shopping center
<i>North</i>	GR	Retail
<i>South</i>	CS	Adult video store
<i>East</i>	CS	Convenience store
<i>West</i>	CS	Commercial shopping center

NEIGHBORHOOD PLAN: North Lamar

TIA: Not required (See Transportation comments)

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

SCENIC CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

114--North Growth Corridor Alliance
 511--Austin Neighborhoods Council
 786--Home Builders Association of Greater Austin
 1012--Pflugerville Independent School District

SCHOOLS:

Pflugerville Independent School District

- McBee Elementary School
- Westview Middle School
- John B. Connally High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-00-2022	CS to CS-1	04/18/00: ZAP APVD STAFF REC OF CS-1 (5-1-1; BB-NAY, GW-ABSTAIN)	05/11/00: DENIED CS-1 ZONING (6-1, SPELMAN-NAY)
C14-03-0182	GO to GR-CO	02/03/04: APVD STAFF ALT REC OF GR-CO BY CONSENT (9-0)	03/04/04: APVD GR-CO (6-0); 1ST RDG ONLY 03/25/04: APVD GR-CO (7-0); 2ND/3RD RDGS
C14-05-0097	GO to GR-CO	02/03/04: APVD STAFF ALT REC OF GR-CO BY CONSENT (9-0)	03/04/04: APVD GR-CO (6-0); 1ST RDG ONLY 03/25/04: APVD GR-CO (7-0); 2ND/3RD RDGS

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-95-0108	DR to W/LO	11/28/95: TO APPRV GO-CO & W/LO-CO (6-1)	01/04/96: APVD GO-CO (TR 1); W/LO-CO (TR 2) SUBJ TO COND (5-0); 1ST RDG 03/28/96: APVD GO-CO (TR 1); W/LO (TR 2) SUBJ TO CONDS (5-0); 2ND/3RD RDGS
C14-01-0037	North Austin Civic Association Neighborhood Plan rezonings	04/17/01: APVD STAFF REC OF NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP, (9-0) W/25' VEG BUFFER ON SOUTH BOUNDARY OF TR 19	05/24/01: APVD PC REC ON ALL 3 RDGS EXCEPT TR 9 (1ST RDG ONLY); (6-0) 08/09/01: TR 9: APVD CS-NP (7-0), 2ND/3RD RDG
C14-01-0116	LO to CS	01/22/02: APVD STAFF ALT REC OF CS-CO (8-0) W/CONDS	02/28/02: APVD CS-CO W/OTHER CONDS (6-0); ALL 3 RDGS

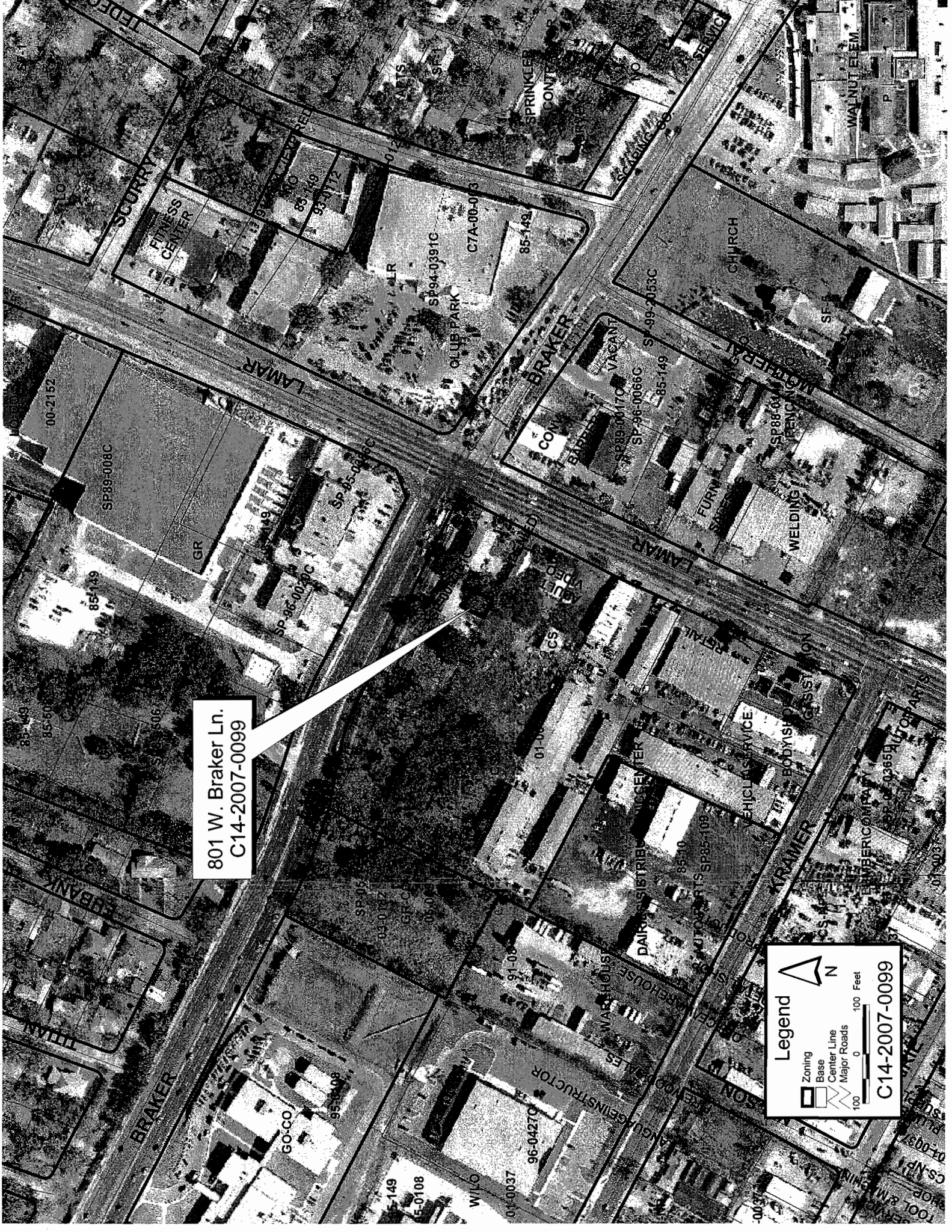
ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
W Braker Ln	148'	85'	Arterial	Yes	Rt. 10	1 – N Lamar
N Lamar Blvd	98'	65'	Arterial	No		392 - Braker

CITY COUNCIL DATE:

September 27, 2007

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us



801 W. Braker Ln.
C14-2007-0099

Legend

- Zoning
- Base
- Center Line
- Major Roads

0 100 Feet

C14-2007-0099

STAFF RECOMMENDATION

Staff recommends approval of the rezoning request to CS-1. The recommendation is based on the following considerations:

- 1.) The proposed rezoning is compatible with surrounding commercial uses in the established commercial center;
- 2.) The site lies at the intersection of two major arterials; and
- 3.) The requested zoning classification will affect a building footprint of approximately 1,742.4 square feet to ensure land use compatibility;
- 4.) All terms and conditions under Ordinance No. 040325-49 and the approved TIA restrictive covenant shall remain.

BASIS FOR RECOMMENDATION

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

*§ 25-2-104 COMMERCIAL-LIQUOR SALES (CS-1) DISTRICT DESIGNATION.
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.*

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The subject property is part of an existing commercial shopping center with multiple CS uses and does not lie within close proximity of residential uses.

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

The proposed rezoning will integrate itself to existing surrounding commercial uses of like zoning classifications and intensities by maintaining more intensive commercial uses along major arterials.

EXISTING CONDITIONS

Site Characteristics

The property lies within the North Lamar Planning area which will initiate a neighborhood plan for the area bounded by Braker Lane to the north, Rundberg Lane to the south, IH-35 to the east, and Lamar Boulevard to the west. The site consists of a 0.04 acre (1,742.4 sq. ft) building footprint within an established commercial center with access to Braker Lane zoned of CS containing various retail and commercial uses.

Transportation

1. No additional right-of-way is needed at this time.
2. 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]

Environmental

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development 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. 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>% 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%

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. 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.
5. 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.
6. 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.

Water and Wastewater

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

Site Plan and Compatibility Standards

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

2. Please contact Susan Walker to discuss liquor license details.
3. 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. Compatibility is required along the rear of this property.

Rousselin, Jorge

From: Wayne Tobias [REDACTED]
Sent: Thursday, August 09, 2007 2:29 PM
To: Rousselin, Jorge
Subject: Zoning Postponement Request

Jorge,

On behalf of the Walnut Creek Neighborhood Association, in consideration of staff recommendations I request a postponement of the ZAP discussion for zoning case C14-2007-0099 until the next ZAP meeting (8/28 ?) or later so the WCNA, NACA and North Park Estates boards can review the ramifications of allowing or opposing the change.

Thank You.

Wayne Tobias
President, Walnut Creek Neighborhood Association.
wk: 838-1809
hm: 873-0170

✓ "Rousselin, Jorge" <Jorge.Rousselin@ci.austin.tx.us>

"Rousselin, Jorge"
<Jorge.Rousselin@ci.austin.tx.us>

08/08/2007 02:17 PM

To: Wayne Tobias/Austin/IBM@IBMUS
cc: [REDACTED]
[REDACTED]

Subject: RE: Zoning issue C14-2007-0099

Staff is recommending approval of the request. You may pick up a copy of the staff report at your convenience at the reception desk on the 5th floor, One Texas Center.

From: Wayne Tobias [mailto:[REDACTED]]
Sent: Wednesday, August 08, 2007 2:01 PM
To: Rousselin, Jorge
Cc: [REDACTED]
Subject: Zoning issue C14-2007-0099

Jorge,

Please provide the stance the city planners will be taking on this zoning issue ... from CS to CS-1 at 801 West Braker Lane.

The WCNA will be opposing the zoning change on the grounds it is close to a school, next door to an adult book store, and will encourage panhandlers at the intersection of Lamar & Braker with easy access to a place to buy liquor.

8/14/2007

The request was denied in 2000 (case C14-00-2022) prior to the Asian center construction. The only thing that has changed is the center is now built. The neighborhood reasoning to request denial has not changed.

Wayne Tobias

wk: 838-1809

hm: 873-0170

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: C14-2007-0099

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 14, 2007 Planning Commission

JO ANN JOHNSON OWNERS

☐ I am in favor
☒ I object

Your Name (please print)

11201 EUBANK DR. - AUSTIN, TX - 78758

Your address(es) affected by this application

Go Ann Johnson
Melinda Saff

Signature

08/14/2007
Date

Comments: IF THIS PROPOSED ZONING CHANGE

IS APPROVED, OUR NEIGHBORHOOD & MCBEE
ELEMENTARY SCHOOL & ST. JOHN'S EPISCOPAL
CHURCH WILL BE SANDWICHED BETWEEN
THE SHELL STATION & Q-MART ON
PARKFIELD (APPROVED FOR LIQUOR SALES)
AND THIS BUSINESS WHAT KIND OF
ENVIRONMENT WILL A "COMMERCIAL -
LIQUOR SALES DISTRICT" PROVIDE FOR
OUR SCHOOLS CHURCHES & NEIGHBORHOODS?
MORE CRIME? - LESS SECURITY FOR US ALL

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810