

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0071

P.C. DATE: May 13, 2008
April 22, 2008

ADDRESS: 1000 East 41st Street

OWNER: Regency Centers, LP, (Patrick Krejs) 214-706-2500

AGENT: Thrower Design, (Ron Thrower) 512-476-4456

ZONING FROM: CS-CO-NP **TO:** CS-1-NP

SITE AREA: 0.349 acres (15,202 square feet)

SUMMARY STAFF RECOMMENDATION: The staff's alternate recommendation is to grant the change from CS-CO-NP (General Commercial Services – Conditional Overlay – neighborhood plan) combining district to CS-1-CO-NP (Commercial Liquor Sales – Conditional Overlay - neighborhood plan) combining district.

The following uses are conditional and made part of the Conditional Overlay:

- | | |
|--|---------------------------------|
| • Automotive rentals | • Funeral services |
| • Building maintenance services | • Hotel-motel |
| • Commercial blood plasma center | • Monument retail sales |
| • Commercial off-street parking | • Outdoor sports and recreation |
| • Custom manufacturing | • Research services |
| • Drop-off-recycling collection facilities | • Indoor sports and recreation |
| • Residential treatment | • Indoor entertainment |
| • Exterminating services | • Service station |

The following uses are prohibited and made part of the Conditional Overlay:

- | | |
|------------------------------------|--|
| • Agricultural sales and services | • Limited warehousing and distribution |
| • Automotive repair | • Maintenance and services facilities |
| • Automotive sales | • Outdoor entertainment |
| • Automotive washing (of any type) | • Pawn shop services |
| • Campground | • Transitional housing |
| • Club or lodge | • Vehicle storage |
| • Cocktail lounge | • Equipment Sales |
| • Construction sales and services | • Equipment repair services |
| • Convenience storage | • Electronic Prototype assembly |
| • Kennels | |

The conditional and prohibited uses are carried over from the rezonings that accompanied the Hancock Neighborhood Plan with the addition of indoor sports and recreation, indoor entertainment and service station as conditional uses and cocktail lounge, auto repair, club or lodge and transitional housing as prohibited uses. The applicant does not object.

SUMMARY PLANNING COMMISSION RECOMMENDATION: May 13, 2008: PLANNING COMMISSION APPROVED STAFF'S RECOMMENDATION OF CS-1-CO-NP DISTRICT ZONING; BY CONSENT.

[M. DEALEY, C. EWEN 2ND] (9-0)

DEPARTMENT COMMENTS: The applicant is proposing to relocate an existing liquor store (Twin Liquors) to a larger location in the same strip shopping center. The proposed location will be to occupy the former Old Navy Store which is located between the Petco (Pet Store) and Rack Room Shoes. The zoning request is limited to the square footage that will be occupied by the proposed use. The conditional and prohibited uses are carried over from the rezonings that accompanied the Hancock Neighborhood Plan with the addition of indoor sports and recreation, indoor entertainment and service station as conditional uses and cocktail lounge, auto repair, club or lodge and transitional housing as prohibited uses. The applicant does not object.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP	Shopping Center/ Commercial
<i>North</i>	SF-3-NP	Single Family Residences
<i>East</i>	CS-NP	Retail / Commercial
<i>South</i>	GR-NP	Retail / Commercial
<i>West</i>	SF-3-NP	Montessori and Ballet School

NEIGHBORHOOD PLAN AREA: Hancock **TIA:** Is not required

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

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

NEIGHBORHOOD ORGANIZATIONS:

Hancock Neighborhood Association
League of Bicycling Voters
First American Commercial Property Group
North Austin Neighborhood Alliance
Austin Independent School District
Home Builders Association of Greater Austin
Taking Action Incorporated
Austin Neighborhoods Council
Mueller Neighborhoods Coalition
Homeless Neighborhood Organization

SCHOOLS: Lee Elementary School Kealing Middle School McCallum High School

CASE HISTORIES:

The zoning change from GR/CS to CS-1-CO to allow for the existing Twin Liquors was approved by Council on December 3, 1998 (C14-98-0105).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
IH 35	177'	177'	Freeway	Yes	Routes 34, 51	Yes
Red River	85'	60'	Arterial	Yes		
E 41 st St	104'	56'	Collector	Yes		
Bennett Ave	50'	26'	Local	No		

CITY COUNCIL DATE: June 5, 2008**ACTION:****ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Joi Harden**PHONE:** 974-2212**E-MAIL:** joi.harden@ci.austin.tx.us;

An aerial photograph of an industrial area. A red pin is placed on a large, light-colored rectangular building. The pin is labeled '1000 E 41ST ST' in red text. The building is surrounded by other industrial structures, parking lots, and roads. A river is visible on the right side of the image. The map is overlaid with a green grid and various labels for streets and landmarks.

C14-2008-0071

Twin Liquors - Hancock Center
1000 East 41st Street

From CS-CO-NP to CS-1-NP

STAFF RECOMMENDATION

The staff's alternate recommendation is CS-1-CO-NP (Commercial Liquor Sales district – Conditional Overlay Combining district - neighborhood plan).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The CS-1, Commercial Liquor Sales district is intended predominately 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. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The site has access to a major freeway IH-35. Due to the site's commercial nature, the zoning is consistent and compatible with the existing surrounding uses.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently zoned CS-CO-NP and is developed as a large mixed use shopping center that includes a grocery store, retail stores and restaurants. The surrounding zoning is SF-3 to the north with single family residential, GR to the south developed with retail, CS to the east developed with retail and SF-3 to the west developed with a Montessori and Ballet school.

The site is flat with no significant slopes or topographical features. There is minimal vegetation associated with the landscaping for the existing structure.

Impervious Cover

The maximum impervious cover allowed by the CS-1, Commercial Services - Liquor Sales zoning district is 95%.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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 Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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. At this time, no information has been provided as to

whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

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

Transportation

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. 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 Review

1. Reviewer suggests Conditional Overlay from current existing zoning category for tracts 543 and 543-A as is in Ordinance 20040826-059 be included in this rezoning.
2. FYI - Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
3. FYI- Upon redevelopment, this site would be subject to compatibility standards. Compatibility Standards are applicable to all property adjoining or across the street from a lot zoned or used as a SF-5 or more restrictive or within 540 feet from the lot zoned SF-5 or more restrictive. This lot has SF-3-CO-NP lots located across the street along the western edge of the property.
 - 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.

- 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.