

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0076 – The Shops
at Onion Creek

Z.A.P. DATE: July 6, 2010

ADDRESS: 11215 South IH 35 Service Road Northbound

OWNER: WSP Development #10, Ltd.
(James Herman)

AGENT: StoneCrest Investments
(Blake Herman)

ZONING FROM: GR-CO for Tracts 1 and 2; CS-1-CO for Tract 3 (3,000 square feet)

ZONING TO: CS-1-CO for Tract 1 (1,925 square feet); GR-CO for Tracts 2 and 3

AREA: 0.15 acres (6,518 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning for Tract 1 and community commercial – conditional overlay (GR-CO) combining district zoning for Tracts 2 and 3.

The Conditional Overlay:

1) prohibits the following uses on Tracts 2 and 3:

automotive rentals; automotive repair services; automotive sales; automotive washing; commercial off-street parking; communications services; exterminating services; funeral services; hotel-motel; indoor entertainment; indoor sports and recreation; off-site accessory parking; outdoor entertainment; outdoor sports and recreation; pawn shop services; plant nursery; research services; service station; special use historic; club or lodge; communication service facilities; community recreation (private); community recreation (public); congregate living; counseling services; cultural services; day care services (commercial); day care services (limited); family home; group home, class I; (general); group home, class I (limited); group home, class II; guidance services; hospital services (general); private secondary educational facilities; public primary educational facilities; public secondary educational facilities; residential treatment; and, transportation terminal.

2) prohibits the following *additional* uses on Tract 1:

agricultural sales and services; building maintenance services; campground; commercial blood plasma center; construction sales and services; convenience storage; drop-off recycling collection facility; electronic prototype assembly; equipment repair services; equipment sales; kennels; laundry services; vehicle storage; limited warehousing and distribution; maintenance and service facilities; and, transitional housing.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

July 6, 2010: *TO GRANT (CS-1-CO) DISTRICT ZONING FOR TRACT 1, AND GR-CO DISTRICT ZONING FOR TRACTS 2 AND 3, AS STAFF RECOMMENDED; BY CONSENT.*
[G. BOURGEOIS; T. RABAGO – 2ND] (6-0) P. SEEGER – ILL

ISSUES:

Correspondence from the Onion Creek Homeowners Association in support of the proposed rezoning is attached at the back of the packet.

DEPARTMENT COMMENTS:

The subject tracts consist of three adjoining commercial lease spaces within a commercial shopping center. Tracts 1 and 2 are zoned community commercial – conditional overlay (GR-CO) combining district zoning and Tract 3 is zoned commercial – liquor sales – conditional overlay (CS-1-CO) combining district by way of a 2004 zoning case. The Conditional Overlay applicable to all tracts prohibits certain land uses. Access to the tracts is taken from driveways to the northbound service road of IH 35 and Onion Creek Parkway. As shown in Exhibit C, there are other office and retail uses within the shopping center including a bank, insurance office, dental office, nail salon, dry cleaners, florist and restaurants (GR-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant has requested commercial – liquor sales (CS-1) district for Tract 1 to convert a vacant lease space to a liquor store. Furthermore, a connecting lease space (Tract 2) between the existing and proposed CS-1 footprints (Tracts 3 and 1, respectively) provides for this scenario to occur and continue as a single rezoning case. This provides for a limited amount of liquor sales use to occur within the shopping center, but rezones the tract that is not presently being used for liquor sales. The Conditional Overlay continues the prohibited uses established by the 2004 case.

Staff recommends CS-1-CO district zoning for Tract 1 and GR-CO district zoning for Tracts 2 and 3, based on the following considerations: 1) the proposed use is compatible with the surrounding uses within the retail center and its corresponding GR-CO zoning; 2) access is taken to a freeway and an arterial roadway; and 3) it provides for liquor sales to occur within the shopping center, while limiting the amount of square footage by rezoning that area not presently used for this purpose.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO; CS-1-CO	Three adjoining lease spaces in a commercial shopping center
<i>North</i>	GR-CO	Lease spaces in a commercial shopping center
<i>South</i>	GR-CO	Lease spaces in a commercial shopping center
<i>East</i>	GR-CO; SF-6	Driveway and parking spaces, Buffer area adjacent to townhomes; Townhomes
<i>West</i>	GR-CO	Driveway and parking spaces for the commercial shopping center

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Onion Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc. 1258 – Del Valle Community Coalition

SCHOOLS:

Blazier Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0111 – UTOTEM Rockbay – 2105 and 2107 Boca Raton Drive	I-RR to GR	To Grant GR-CO with list of prohibited uses	Approved GR-CO as Commission recommended (10-7- 04).

RELATED CASES:

The subject property was part of a 2004 case, known as Onion Creek Commercial Park which zoned Tract 3 to the commercial – liquor sales – conditional overlay (CS-1-CO)

district, and Tracts 2 and 3 to the community commercial – conditional overlay (GR-CO) district (C14-04-0074 – Ordinance 040930-Z-3). Please refer to Exhibit D.

There is a public Restrictive Covenant approved with the 2004 zoning case that limits the site development to uses and intensities described in the approved traffic impact analysis memorandum dated September 1, 2004. The development outlined in the TIA consisted of a 19,663 square foot shopping center; a 3,000 square foot bank; a 1,000 square foot restaurant without drive-through; a 9,500 square foot high-turnover restaurant; and 440 townhomes.

The three tracts represent a portion of Lot 1, Block A of Onion Creek Section 100, a subdivision plat recorded in August 2002 (C8-01-0220.0A). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
IH 35	360 feet	FWY 6	Freeway	No	No	No
Onion Creek Parkway	128 feet	45 feet	Arterial	Yes	No	No

CITY COUNCIL DATE: July 29, 2010

ACTION:

ORDINANCE READINGS: 1st

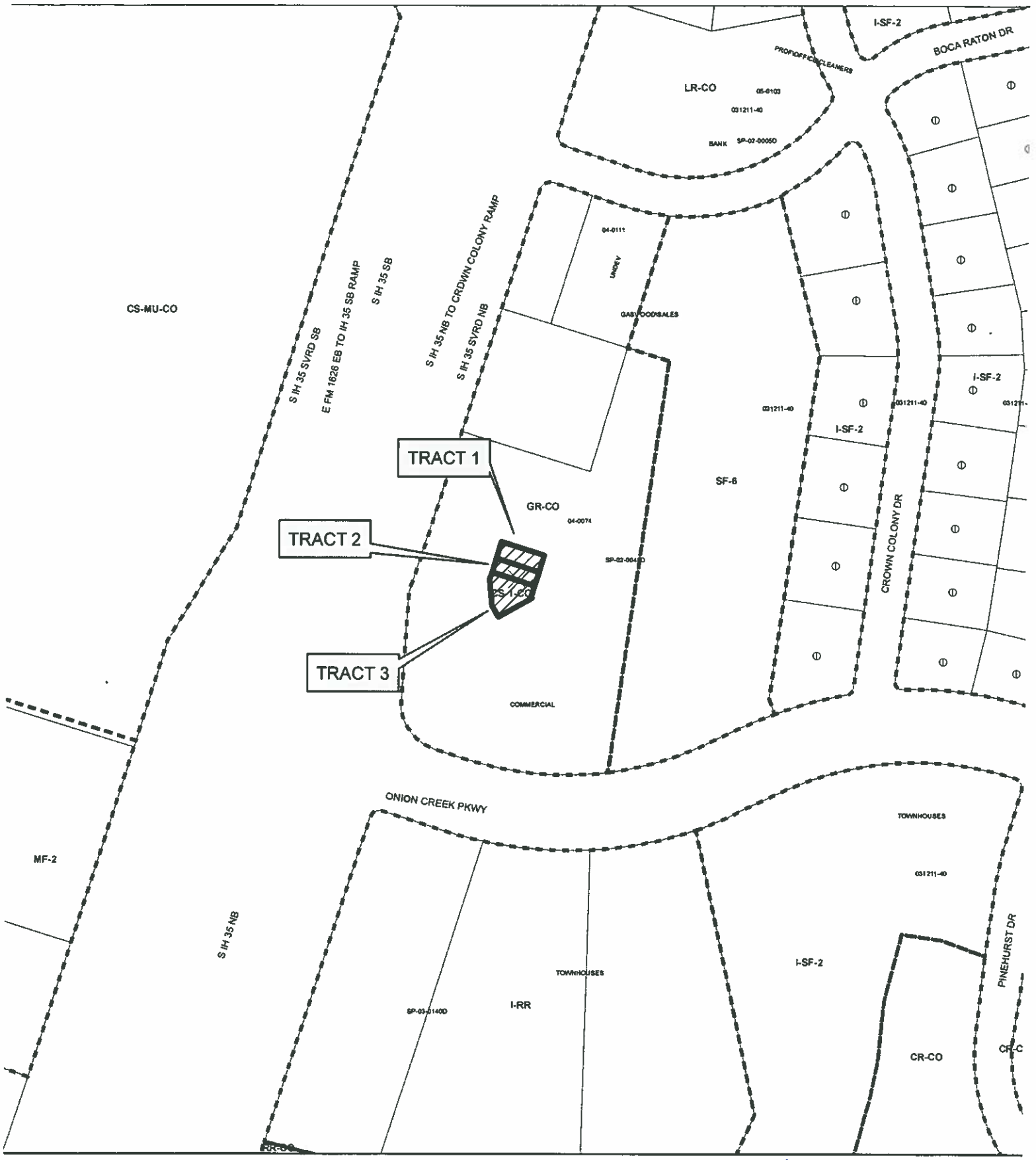
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



ZONING

Exhibit A

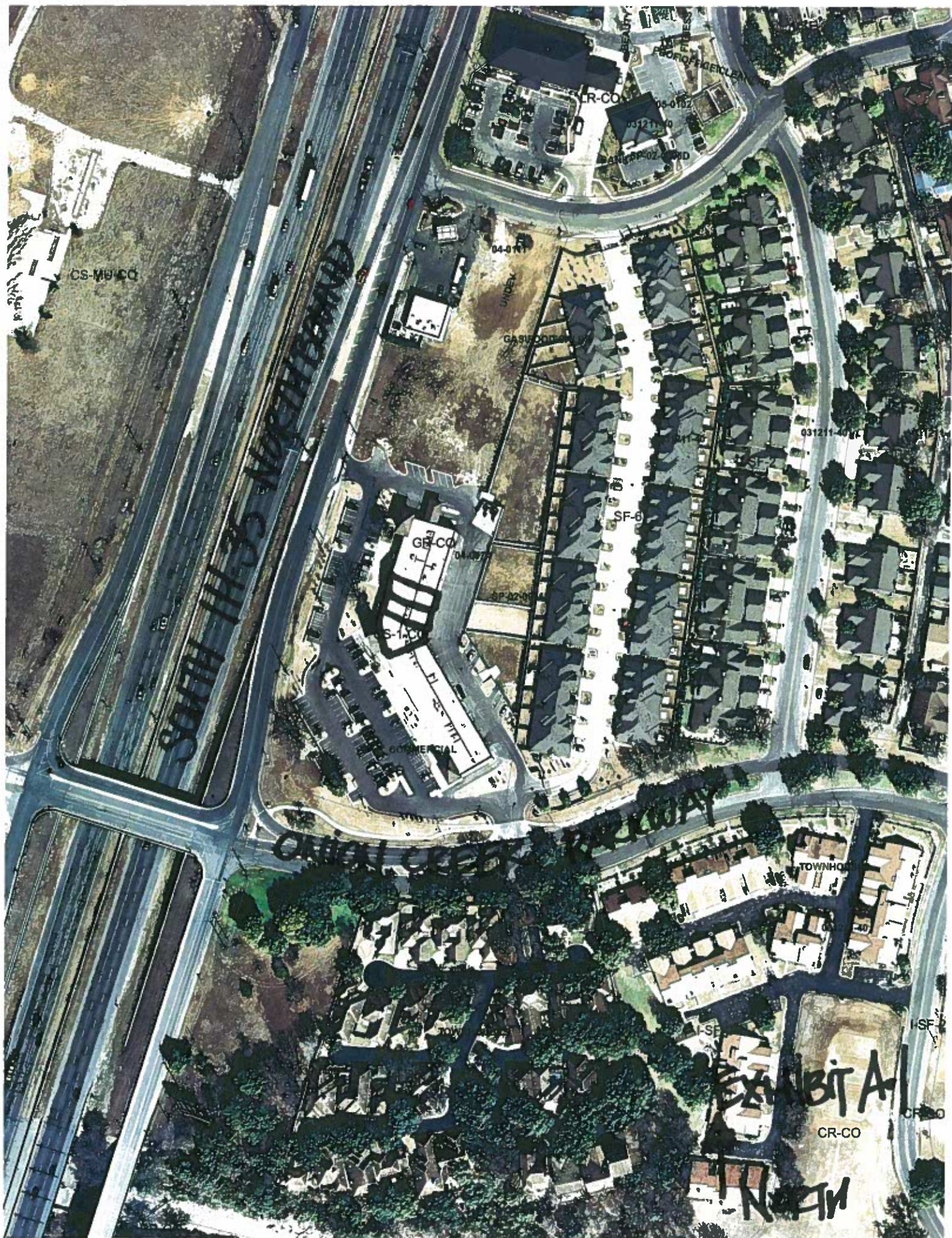
ZONING CASE#: C14-2010-0076
 LOCATION: 11215 S IH 35 SVRD NB
 SUBJECT AREA: 0.15 ACRES
 GRID: F11
 MANAGER: WENDY RHOADES



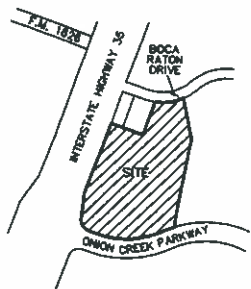
- N
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 200'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



ONION CREEK SECTION 100



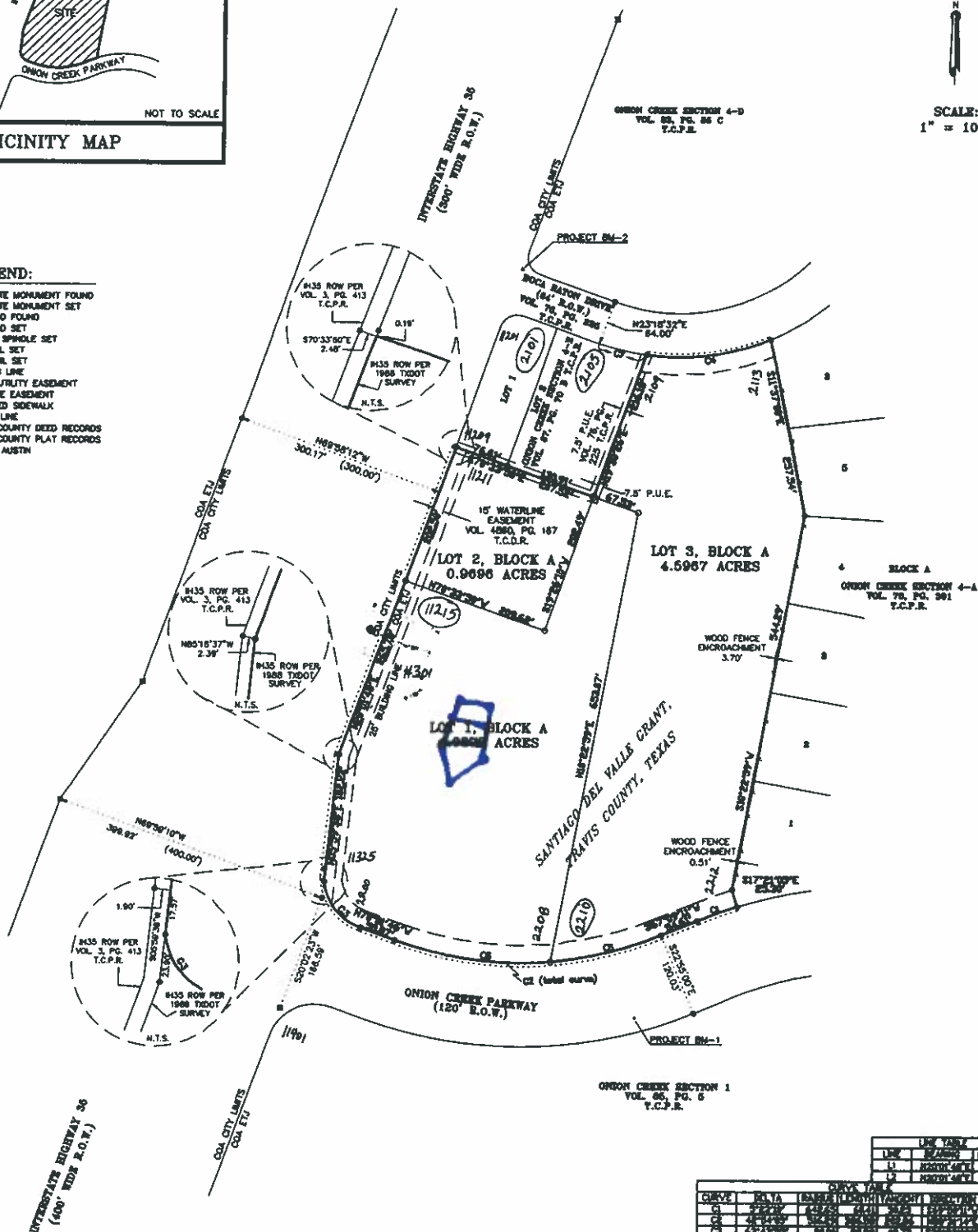
NOT TO SCALE

VICINITY MAP

SCALE:
1" = 100'

LEGEND:

- CONCRETE MONUMENT FOUND
- CONCRETE MONUMENT SET
- IRON ROD FOUND
- IRON ROD SET
- COTTON SPWOLE SET
- P.K. NAIL SET
- HILTI NAIL SET
- BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- PROPOSED SIDEWALK
- SURVEY LINE
- T.C.D.R. TRAVIS COUNTY DEED RECORDS
- T.C.P.R. TRAVIS COUNTY PLAT RECORDS
- COA CITY OF AUSTIN



CURVE DATA		CHORD DATA	
STATION	CHORD BEARING	CHORD DISTANCE	CHORD BEARING
1+00.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
1+30.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
1+60.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
1+90.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
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4+30.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
4+60.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
4+90.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
5+00.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
5+30.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
5+60.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
5+90.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
6+00.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
6+30.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
6+60.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
6+90.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
7+00.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
7+30.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
7+60.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
7+90.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
8+00.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
8+30.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
8+60.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
8+90.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
9+00.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
9+30.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
9+60.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E
9+90.00	N 89° 58' 12" W	300.17	S 70° 33' 00" E

**EXHIBIT B
RECORDED PLAT**

**ONION CREEK SECTION 100
FINAL SUBDIVISION PLAT
OF A 9.654 ACRE TRACT
CITY OF AUSTIN, TEXAS**

JONES & CARTER, INC.
Consulting Engineers
612 West Riverside Dr., Suite 208
Austin, Texas 78704-1208 Fax: 612/444-8485

NO.	REVISION	DATE
3	THIRD REVISION	P.C. D.C. 01-25-01
4	FOURTH REVISION	P.C. D.C. 02-21-01
5	FIFTH REVISION	P.C. D.C. 02-27-01
6	SIXTH REVISION	P.L. LMS 07-05-04
7	SEVENTH REVISION	P.L. LMS 07-18-01
8	EIGHTH REVISION	M.M. LMS 08-21-01
9	NINTH REVISION	M.M. LMS 12-04-01
10	TENTH REVISION	DNW LMS DATE

C 8-01-0220.0A

11621

July 2, 2009

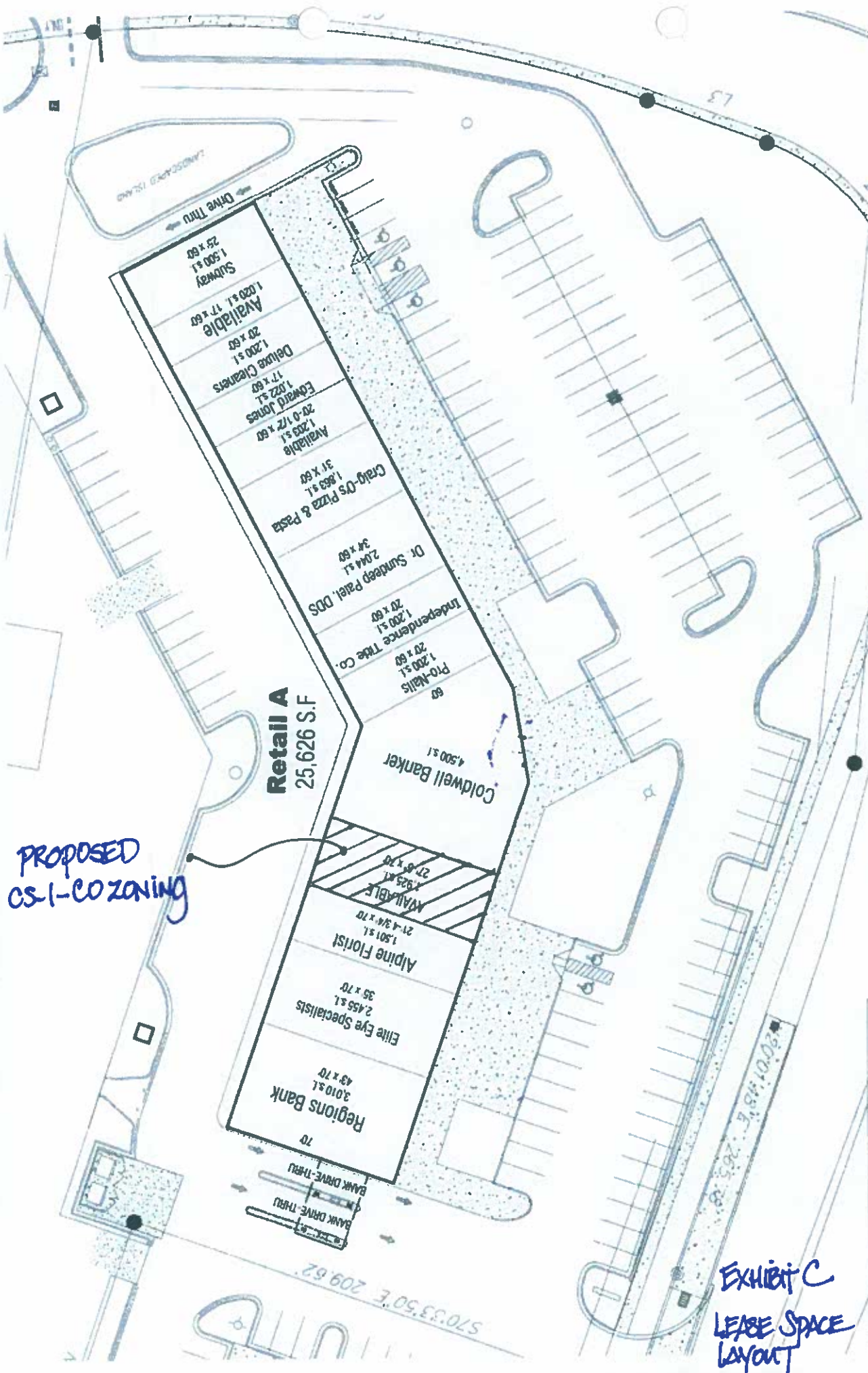
THE SHOPS AT ONION CREEK

11215 S. IH-35, AUSTIN, TX 78747

STONECREST ★ Investments

PROPOSED
CS-1-CO ZONING

EXHIBIT C
LEASE SPACE
LAYOUT



ORDINANCE NO. 040930-Z-3

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 11301 SOUTH IH-35 AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE, COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-CO) COMBINING DISTRICT FOR TRACT TWO, AND TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT FOR TRACT THREE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-04-0074, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district.

Lots 1 and 2, Block A, Onion Creek, Section 100 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200200221, of the Official Public Records of Travis County, Texas, SAVE AND EXCEPT the property described as Tract Two in this ordinance; and

Tract Two: From interim rural residence (I-RR) district to commercial-liquor sales-conditional overlay (CS-1-CO) combining district.

A 3,000 square foot tract of land, more or less, out of Lot 1, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Three: From interim rural residence (I-RR) district to townhouse and condominium residence (SF-6) district.

Lot 3, Block A, Onion Creek, Section 100 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200200221, of the Official Public Records of Travis County, Texas, (the "Property")

locally known as 11301 South IH-35, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are prohibited uses of Tract One:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Commercial off-street parking	Communications services
Exterminating services	Funeral services
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Plant nursery
Research services	Service station
Special use historic	Club or lodge
Communication service facilities	Community recreation (private)
Community recreation (public)	Congregate living
Counseling services	Cultural services
Day care services (commercial)	Day care services (limited)
Family home	Group home, Class I (general)
Group home, Class I (limited)	Group home, Class II
Guidance services	Hospital services (general)
Private secondary education facilities	Public primary educational facilities
Public secondary educational facilities	Residential treatment
Transportation terminal	

2. The following uses are prohibited uses of Tract Two:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Commercial off-street parking	Communications services
Exterminating services	Funeral services
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Plant nursery
Research services	Service station

Special use historic
Communication service facilities
Community recreation (public)
Counseling services
Day care services (commercial)
Family home
Group home, Class I (limited)
Guidance services
Private secondary education facilities
Public secondary educational facilities
Transportation terminal
Building maintenance services
Commercial blood plasma center
Convenience storage
Electronic prototype assembly
Equipment sales
Laundry services
Limited warehousing and distribution
Transitional housing

Club or lodge
Community recreation (private)
Congregate living
Cultural services
Day care services (limited)
Group home, Class I (general)
Group home, Class II
Hospital services (general)
Public primary educational facilities
Residential treatment
Agricultural sales and services
Campground
Construction sales and services
Drop-off recycling collection facility
Equipment repair services
Kennels
Vehicle storage
Maintenance and service facilities

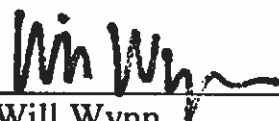
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on October 11, 2004.

PASSED AND APPROVED

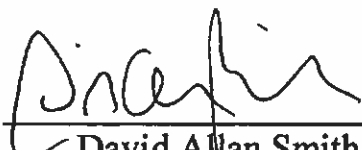
_____, September 30, 2004

§
§
§




Will Wynn
Mayor

APPROVED:

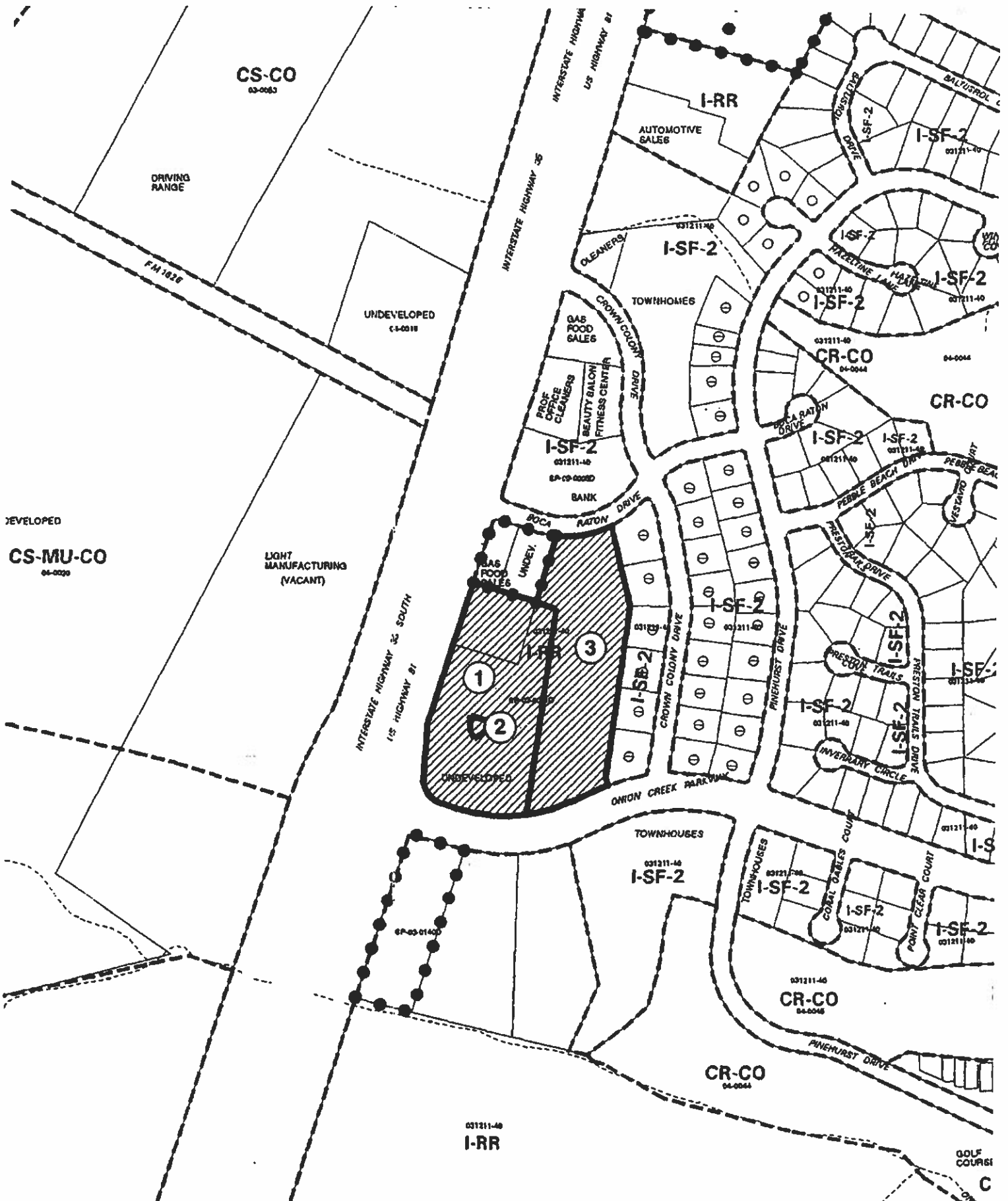


David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT B CASE #: C14-04-0074 ADDRESS: 11301 S I 35 SUBJECT AREA (acres): 9.654	CITY OF REFEREN NUMBE F11
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
DATE: 04-08			INTLS: SM	

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning for Tract 1 and community commercial – conditional overlay (GR-CO) combining district zoning for Tracts 2 and 3.

The Conditional Overlay:

1) prohibits the following uses on Tracts 2 and 3:

automotive rentals; automotive repair services; automotive sales; automotive washing; commercial off-street parking; communications services; exterminating services; funeral services; hotel-motel; indoor entertainment; indoor sports and recreation; off-site accessory parking; outdoor entertainment; outdoor sports and recreation; pawn shop services; plant nursery; research services; service station; special use historic; club or lodge; communication service facilities; community recreation (private); community recreation (public); congregate living; counseling services; cultural services; day care services (commercial); day care services (limited); family home; group home, class I; (general); group home, class I (limited); group home, class II; guidance services; hospital services (general); private secondary educational facilities; public primary educational facilities; public secondary educational facilities; residential treatment; and, transportation terminal.

2) prohibits the following *additional* uses on Tract 1:

agricultural sales and services; building maintenance services; campground; commercial blood plasma center; construction sales and services; convenience storage; drop-off recycling collection facility; electronic prototype assembly; equipment repair services; equipment sales; kennels; laundry services; vehicle storage; limited warehousing and distribution; maintenance and service facilities; and, transitional housing.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Tract 1: The commercial – liquor sales (CS-1) zoning district is intended 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.

Tracts 2 and 3: The community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

The shopping center takes access from the northbound IH 35 service road and Onion Creek Parkway, a freeway and an arterial roadway, respectively.

2. Zoning changes should promote compatibility with adjacent and nearby uses.

Staff recommends CS-1-CO district zoning for Tract 1 and GR-CO district zoning for Tracts 2 and 3, based on the following considerations: 1) the proposed use is compatible with the surrounding uses within the retail center and its corresponding GR-CO zoning; 2) access is taken to a freeway and an arterial roadway; and 3) it provides for liquor sales to occur within the shopping center, while limiting the amount of square footage by rezoning that area not presently used for this purpose.

EXISTING CONDITIONS

Site Characteristics

The rezoning area consists of three commercial lease spaces within a shopping center.

Impervious Cover

The maximum impervious cover allowed by the GR or CS-1 zoning district would be 80% based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Onion 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%

According to flood plain maps there is no floodplain within or adjacent to the project boundary.

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

No trees are located on this property. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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.

Transportation

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

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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

Compatibility Standards apply within 540 feet or less from property in an SF-5 or more restrictive zoning district. I-SF-2 is located approximately 350 feet to the east of the proposed zoning change.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Please be aware that State Law governs the location of the sale of alcohol; it may not be sold within 300 feet of a church, public or private school or public hospital. [See Subchapter C Local Regulation of Alcoholic Beverages]

ONION CREEK

HOMEOWNERS ASSOCIATION

10816 Crown Colony, Suite 105

Austin, Texas 78747

Tel: 512.280.8110

Fax: 512.280.8162

April 29, 2010

RE: The Shops At Onion Creek

The City of Austin
Zoning and Platting Department

To Whom It May Concern:

I, Dick Perrone, Vice President and Infrastructure Chairman of the Onion Creek Homeowners Association, have studied the attached drawing of the Shops At Onion Creek and agree with the proposed zoning of the 1925 sq. ft. to allow commercial liquor sales. I am aware that the required zoning is CS-1CO.

Sincerely,



Dick Perrone
Vice President, OCHOA
512 282-7879 Home
512 965-7157 Cell