

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0112 – 6607 – CS-1

P.C. DATE: October 11, 2011

ADDRESS: 6607 North IH 35 Service Road Northbound

OWNER: WC 6607 North IH 35, LP
(Nate Paul)

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: CS

TO: CS-1

AREA: 0.352 acres
(15,333 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay limits the number of vehicle trips to no more than 2,000 per day.

PLANNING COMMISSION RECOMMENDATION:

October 11, 2011: *APPROVED CS-1-CO DISTRICT ZONING AS STAFF
RECOMMENDED, BY CONSENT*

[M. DEALEY; D. CHIMENTI – 2ND] (9-0)

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject property has driveway frontage on the northbound IH 35 service road and is zoned general commercial services (CS) district. The property contains a vacant restaurant (general) use and adjoining parking areas. Restaurant and hotel uses surround the property to the north, east and south (CS, CS-1). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes commercial – liquor sales (CS-1) zoning in order to convert the building and adjacent parking areas to a cocktail lounge use. A conditional use site plan (CUP) for the cocktail lounge use is a subsequent step in the development process.

Staff supports CS-1 for the subject developable area of the site, similar to other footprints of CS-1 zoning along the IH 35 service road. The remainder of the site would retain CS zoning. The rezoning area is located within a commercial area, has access to an arterial roadway, and adjacent to compatible zoning and uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Vacant restaurant general use and parking areas
<i>North</i>	CS; CS-1	Restaurants; Hotels with cocktail lounge use
<i>South</i>	CS; CS-1	Restaurants; Hotels with cocktail lounge use
<i>East</i>	CS	Hotels
<i>West</i>	N/A	Service road and main lanes of IH 35

AREA STUDY: N/A**TIA:** Is not required**WATERSHEDS:** Tannehill Branch;
Buttermilk Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

283 – North Austin Neighborhood Alliance
 342 – Edward Joseph Developments, Ltd.
 511 – Austin Neighborhoods Council 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 938 – St. John's Advisory Board 964 – St. John Neighborhood Association
 1037 – Homeless Neighborhood Association
 1069 – Resident Council of Spring Terrace 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. 1340 – Austin Heritage Tree Foundation

SCHOOLS:

Pickle Elementary School

Webb Middle School

Reagan High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0037.SH – Hearthside (Smart Housing) – 7101 N IH 35 Service Road Northbound	LI; CS to CS- MU	To Grant CS-MU-CO with CO for 2,000 trips	Approved CS-MU-CO as Commission recommended (6-9- 05).
C14-91-0094 – Employers Insurance Building – 6320 La Calma	CS to LI	To Grant LI-CO	Approved LI-CO with the CO allowing light manufacturing and all CS uses that are

Drive			allowed in LI with a Restrictive Covenant for a rollback to CS if a light manufacturing use is discontinued for more than 90 days or if the Code is amended to include a "high tech" use (3-26-92).
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RELATED CASES:

The property is platted as Lot 1C, Block A of the Amended Plat of Lot 1B, La Costa Phase Two, Section One-D and La Costa Phase Three, a Resubdivision of Lots 4 and 5, La Costa Phase Two, Section One-A and Lots 1A and 1C, La Costa Phase Two, Section One-D, recorded in February 1996 (C8-95-0189.0A). The site plan for the restaurant use that previously occupied this property was approved in March 1996 (SP-95-0351C). Please refer to Exhibits B and C.

The subject property is located within the St. John Neighborhood Planning Area. The neighborhood plan and rezonings are scheduled for public hearings at the Planning Commission and City Council in late-November 2011 (C14-2011-0115).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
North IH-35	Varies	MAD-8	Freeway	220,000
E. St. John's Avenue	86 feet	MNR-4	Minor Arterial	8,826

- East St. John's Avenue is classified in the Bicycle Plan as Bike Route No. 18. North IH-35 is classified as Bike Route No. 421.
- Capital Metro bus service (Routes No. 300, 320 and 339) is available along East St. John's Avenue. Capital Metro bus service (Routes No. 135, 142, 651, 684, 935, & 984) is available along North IH-35.
- There are existing sidewalks along North IH-35 and East St. John's Avenue.

CITY COUNCIL DATE: November 10, 2011 **ACTION:**

ORDINANCE READINGS: 1st

2nd


3rd


ORDINANCE NUMBER:


CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov


PHONE: 974-7719





 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2011-0112

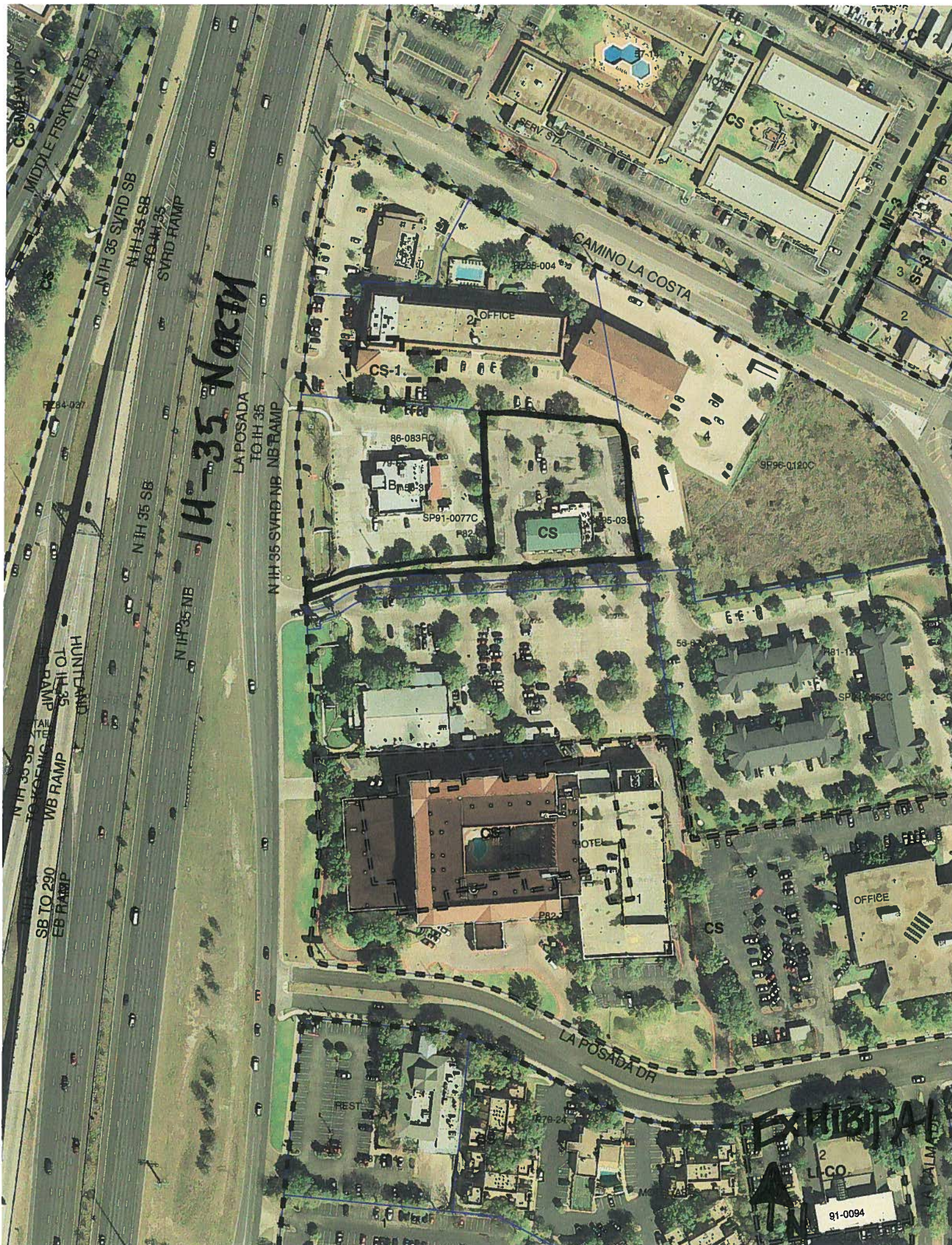
Exhibit A



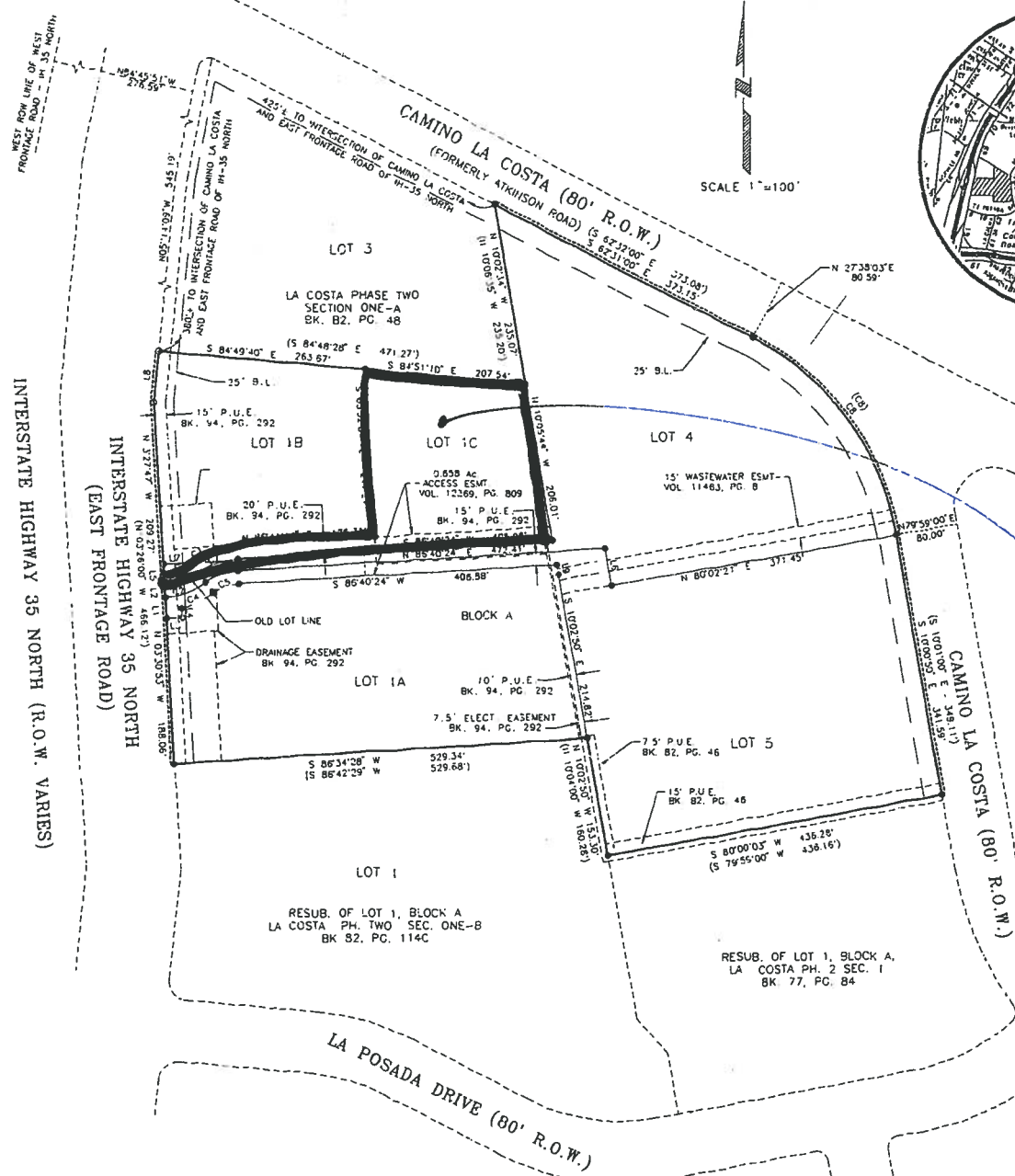
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 400'



AMENDED PLAT OF LOT 1B, LA COSTA PHASE TWO, SECTION ONE-D AND LA COSTA PHASE THREE A RESUBDIVISION OF LOTS 4 AND 5, LA COSTA PHASE TWO, SECTION ONE-A AND LOTS 1A AND 1C, LA COSTA PHASE TWO, SECTION ONE-D



REZONING AREA

AMENDED PLAT OF LOT 1B, LA COSTA PHASE TWO, SECTION ONE-D AND LA COSTA PHASE THREE A RESUBDIVISION OF LOTS 4 AND 5, LA COSTA PHASE TWO, SECTION ONE-A AND LOTS 1A AND 1C, LA COSTA PHASE TWO, SECTION ONE-D

OWNER: BOB EVANS FARMS, INC.
3776 SOUTH HIGH STREET
COLUMBUS, OHIO 43207

OWNER: PHOG INVESTMENTS
642 YALE
HOUSTON, TEXAS 77007

OWNER: PTR HOMESTEAD VILLAGE LIMITED PARTNERSHIP
125 LINCOLN AVENUE
SANTA FE, NEW MEXICO 87501

ACREAGE: 12.50 ACRES

SURVEY: J.P. WALLACE

NUMBER OF BLOCKS: 1 BLOCK

NUMBER OF LOTS: 5 LOTS

LINEAR FEET OF NEW STREET: NONE

DATE: JUNE, 1995

SURVEYOR: AUSTIN SURVEYORS
P. O. BOX 180243
AUSTIN, TEXAS 78757

ENGINEER: GRAY ENGINEERING, INC.
8217 SHOAL CREEK BLVD., SUITE 100
AUSTIN, TEXAS 78757-7592

LINE NO.	BEARING	DISTANCE
L1	N 03°27'47" V	27.00'
L2	N 03°27'47" V	15.00'
L3	S 86°32'13" V	20.00'
L4	N 03°27'47" V	11.84'
L5	N 03°27'47" V	28.13'
L6	N 09°57'35" V	48.58'
L7	S 86°32'13" V	33.35'
L8	N 05°14'09" E	66.37'
(L8)	(N 05°16'00" C)	(66.45')
L9	N 09°56'58" V	12.79'

CURVE NO.	RADIUS	DELTA	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	109.84'	33°54'46"	65.01'	64.07'	S 69°43'11" V
C2	93.00'	33°54'09"	54.81'	54.02'	N 69°38'18" E
C3	76.85'	33°54'47"	45.49'	44.83'	N 69°42'10" E
C4	110.00'	23°17'40"	44.72'	44.42'	N 64°24'33" E
C5	59.85'	33°54'47"	35.43'	34.91'	N 69°38'11" E
C6	78.80'	33°45'54"	45.97'	45.30'	N 69°38'51" E
C7	91.85'	33°54'35"	54.37'	53.38'	N 69°42'14" E
C8	359.90'	52°31'00"	329.88'	318.45'	S 36°16'20" E
(C8)	(359.90')	(48°18'29" V)	(303.24')	(294.25')	(S 38°21'03" E)

LOT NO.	ACREAGE
1A	2.65
1B	1.49
1C	1.21
4	3.45
5	3.70
TOTAL	12.50

AMENDED PLAT OF LOT 1B, LA COSTA PHASE TWO, SECTION ONE-D AND LA COSTA PHASE THREE A RESUBDIVISION OF LOTS 4 AND 5, LA COSTA PHASE TWO, SECTION ONE-A AND LOTS 1A AND 1C, LA COSTA PHASE TWO, SECTION ONE-D
SHEET 1 OF 3

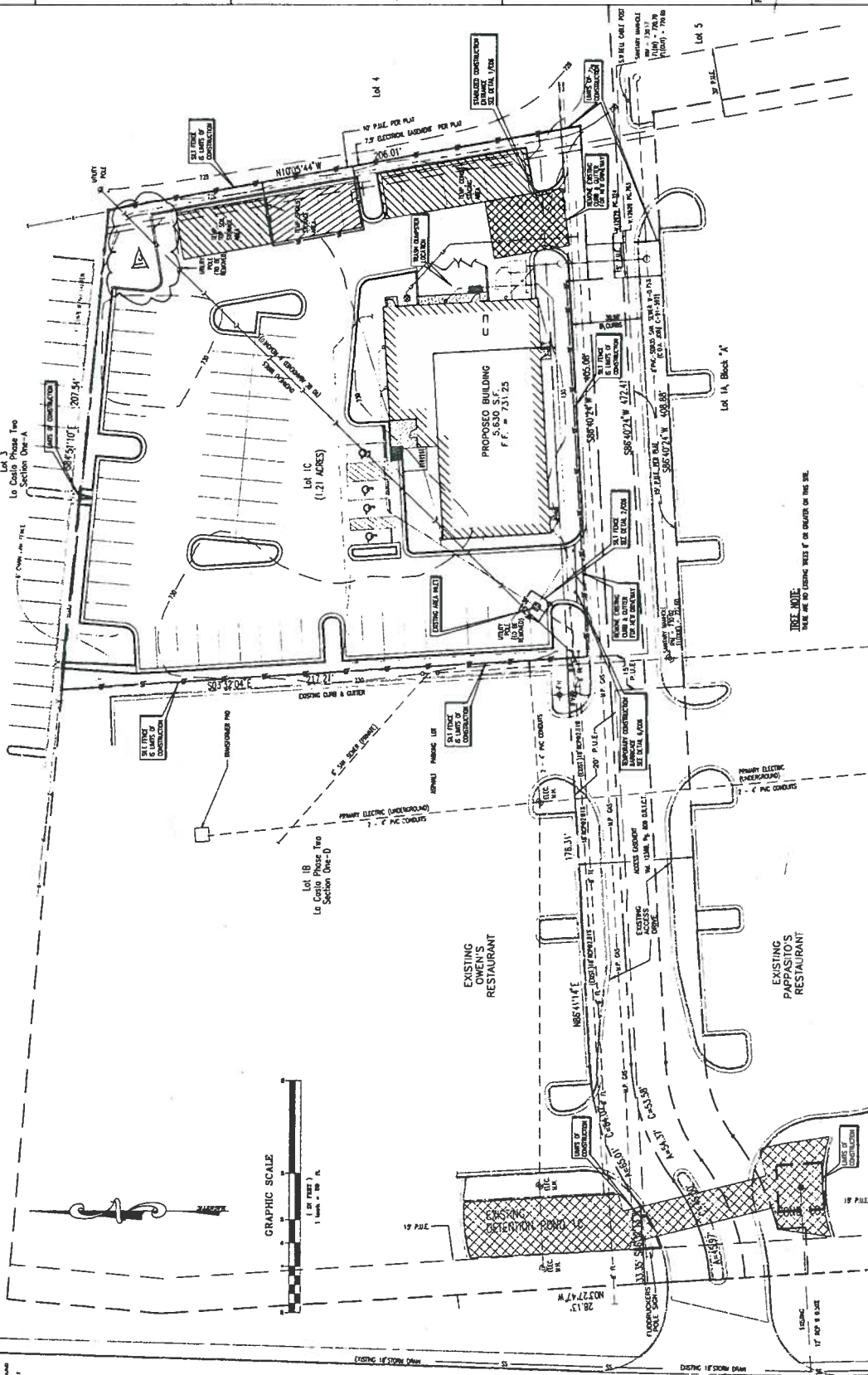
PROJECT NO. 1254-1348-20 DESIGNED BY: JAU
FILE NO. 2340P37J2001 DRAWN BY: DLR
DATE: APRIL 1995 CHECKED BY: JAU
SCALE: 1" = 100' REVISION BY:
GRAY ENGINEERING, INC.
Consulting Engineers
8217 Shoal Creek Blvd., Suite 100
Austin, Texas 78757-7592
1512458-001, 1512458-002

CB-95-0189.0A

**EXHIBIT B
RECORDED PLAT**

MISC. FILM CODE
1850300000
00000005872

481.00 B 2613 2/10/96



TREE NOTE:
THERE ARE NO LISTING TIES IF OR GREATER ON THIS SHE.

ALL RESPONSIBILITY FOR THE ACCURACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. BY REVIEWING THESE PLANS, THE CITY OF ALBUQUERQUE ACCEPTS NO LIABILITY FOR THE ACCURACY OF THESE PLANS.

RECEIVED
Department of Planning and Development
Date 3/1/90

SITE PLAN RELEASE

FILE NUMBER: 2072-2-2-2 EXPIRATION DATE: 3-17-74
CASE MANAGER: WILLIAM J. WILSON ON: APR 10 1974
APPROVED BY PLANNING COMMISSION: YES
APPROVED BY CITY COUNCIL: YES
APPROVED BY WILLIAM J. WILSON OF CHARGE 131 OF THE AMERICAN CITY CLUB
William J. Wilson
Director, Department of Planning and Zoning
DATE OF RELEASE: 4-11-74 CS
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<p>THE OFFICE OF THE SHERIFF COUNTY OF LOS ANGELES CALIFORNIA</p>	<p>THE OFFICE OF THE SHERIFF COUNTY OF LOS ANGELES CALIFORNIA</p>
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Fisher Haygood, Inc.
 1001 E. 1st St., Suite 100
 Tallahassee, Fla. 32301
 Tel. 904-222-1234

EXHIBIT C
APPROVED
SITE PLAN

INTERSTATE HIGHWAY 35 NORTH
FRONTAGE ROAD

LEGEND	
●	400 MTD TOWN
○	400 MTD S-1
□	CONCRETE BOUNDARY OF FARM
■	CONCRETE BOUNDARY SET
▲	PAVE TOWN
△	PAVE TOWN
①	WATERWAYS BOUNDARY
②	WATERWAYS BOUNDARY
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SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay limits the number of vehicle trips to no more than 2,000 per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

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.

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

Staff supports CS-1 for the subject developable area of the site, similar to other footprints of CS-1 zoning along the IH 35 service road. The remainder of the site would retain CS zoning. The rezoning area is located within a commercial area, has access to an arterial roadway, and adjacent to compatible zoning and uses.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is a vacant restaurant and adjoining parking area. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district is 95%, a consistent figure between the *zoning and watershed* regulations. The maximum impervious cover shown on the approved site plan for the restaurant that previously occupied this property is 81 percent.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch and Buttermilk Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. 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.

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

Transportation

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

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the 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

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission.

Provide certified field notes and defined boundaries of the proposed CS-1 zoning footprint, as only the boundaries of the existing structure should be zoned CS-1.

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

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: C14-2011-0112

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing: October 11, 2011, Planning Commission

November 10, 2011, City Council

JAMES McDEVILLE

Your Name (please print)

6505 14-35 North, Austin 78752

Your address(es) affected by this application

10/6/11

Signature

Date

Daytime Telephone: 512-374-4850

Comments:

NO OBJECTION AS LONG AS
THE BUSINESS WILL NOT BE "ADULT
ORIENTED" (AOR)

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810