

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0120 (Shops at Volente, Ltd.)

**Z.A.P. DATE:** November 15, 2011

**ADDRESS:** 11416 North FM 620 Road

**OWNER/APPLICANT:** Shops at Volente, Ltd. (Sandy P. Aron, President)

**AGENT:** Greenblum & Associates (J. Bradley Greenblum)

**ZONING FROM:** I-RR

**TO:** Tract 1: GR  
Tract 2: CS-1

**AREA:** Tract 1: 4.41 acres (192,123 sq. ft.)  
Tract 2: 0.186 acres (8,122 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommends GR-CO, Community Commercial-Conditional Overlay Combining District, zoning for Tract 1 and CS-1-CO Commercial-Liquor Sales-Conditional Overlay Combining District, zoning for Tract 2. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

11/15/11: Approved staff's recommendation of GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2 (6-0, G. Bourgeios-absent); G. Rojas-1<sup>st</sup>, P. Seeger-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is developed with a commercial retail center located near the southwest intersection of two arterial roadways, North FM 620 Road and Anderson Mill Road. The Shops at Volente Center contains general retail, restaurant,, cocktail lounge, office, and personal improvement services uses (Sprint, Sacconi's Restaurant, Stoggies, Volente Nails, Shooter's Billards and Sports Bar, John's Gym, Scubaland, Travel). The applicant is requesting GR, Community Commercial District, zoning for Tract 1 and CS-1, Commercial-Liquor Sales District, zoning for Tract 2 to bring the existing uses on the site into conformance with City of Austin Land Development Code regulations.

The staff supports the applicant's request for permanent GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2 because the site under consideration meets the intent of these districts. The property fronts onto and takes access from a major arterial roadway, FM 620 Road. This lot is surrounded by commercial uses as there are service station and restaurant uses to the north (Jiffy Lube and Sonic), a convenience storage use (U-Haul) and an outdoor recreation use (Woodland Green's Golf Center to the south, and a commercial retail center to the east across FM 620 Road (Plaza Volente: HEB, Panda Express, Starbucks Coffee, Chase Bank, etc.). The proposed rezoning promotes consistency and orderly planning as the property to the east is also zoned with GR-CO zoning with a CS-1 zoning footprint for a liquor sales use.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Commercial Retail Center - General Retail, Restaurant,, Cocktail Lounge, Office, Personal Improvement Services (The Shops at Volente Retail Center: Sprint, Sacconi's Restaurant, Stoggies, Volente Nails, Shooter's Billards and Sports Bar, John's Gym, Scubaland, Travel)
<i>North</i>	I-RR	Undeveloped Area, Automotive Repair (Jiffy Lube), Restaurant (Sonic)
<i>South</i>	County	Convenience Storage (U-Haul), Outdoor Recreation (Woodland Green's Golf Center)
<i>East</i>	GR-CO, CS, CS-1	Retail Center (Plaza Volente: HEB, Panda Express, Starbucks Coffee, Chase Bank, etc.)
<i>West</i>	County	Undeveloped

**AREA STUDY:** N/A**TIA:** Waived**WATERSHED:** Lake Austin**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes**HILL COUNTRY ROADWAY:**

This site is part of a larger tract of land that is located within a designated Hill Country Roadway corridor (A hill country roadway corridor is the land within the City's zoning jurisdiction located 1,000 feet or less from each side of the right-of-way of RM 620, from SH 71 to Anderson Mill Road).

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Monorail Project  
Austin Parks Foundation  
Bull Creek Foundation  
Homeless Neighborhood Association  
League of Bicycling Voters  
Leander ISD Population and Survey Analysts  
Long Canyon Homeowners Association  
Long Canyon Phase II & LLL Homeowners Association Inc.  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appealers Organization  
The Parke HOA  
The Real Estate Council of Austin, Inc.  
Volente Neighborhood Association

### CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0028 (Jack Brown Cleaners: 11521 RM 620 Road North)	GR-CO to CS	3/16/04: Approved staff's recommendation of CS zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .	4/15/04: Approved ZAP recommendation of CS zoning (7-0); 1 <sup>st</sup> reading  4/22/04: Approved CS zoning (6-0, McCracken-off dais); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0027 (Twin Liquors: 11521 RM 620 Road North)	GR-CO to CS-1	3/16/04: Approved staff's recommendation of CS-1 zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .  5/4/04: Approved staff's recommendation of CS-1 zoning by consent (5-0, J. Martinez, J. Pinnelli, C. Hammond-absent); J. Gohil-1 <sup>st</sup> , J. Donisi-2 <sup>nd</sup> .	4/15/04: Pulled off agenda. Case re-noticed and sent back to ZAP Commission.  6/10/04: Granted CS-1 (7-0); all 3 readings
C14-03-0111	DR to GR-CO	8/26/03: Approved staff's recommendation of GR-CO zoning by consent (8-0, K. Jackson-absent)	9/25/03: Approved GR-CO & RC-for TIA recommendations (7-0); all 3 readings
C14-02-0041	SF-2, DR to GR	11/19/02: Approved staff's recommendation of GR-CO zoning with conditions of: <ul style="list-style-type: none"> <li>• 300' (depth) x 400' parallel to FM 620, will have 'LR' uses only (Tract 2);</li> <li>• conditions set out by staff in the T.I.A.;</li> <li>• No Pawn Shop Services;</li> <li>• No Adult Oriented Businesses;</li> <li>• No Automotive Uses</li> </ul> (Vote: 7-0, A. Adams-absent)	1/30/03: Granted GR-CO on 1 <sup>st</sup> reading (7-0)  3/6/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-95-0167	SF-2 to MF-2	Approved GR-CO, LO-CO, and LR-CO w/ conditions (8-0)	Approved GR-CO, LO-CO, & LR-CO subject to conditions (5-0); 1 <sup>st</sup> reading  Approved GR-CO (SW area); LO-CO (NE 300'); LR-CO (NW 300') (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0124	DR to SF-2	Approved SF-2-CO w/ conditions (9-0)	Approved SF-2-CO w/ conditions (5-0); 1 <sup>st</sup> reading

			Approved SF-2-CO (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-93-0032	SF-2, DR to GR	Approved GR-CO as recommended	Approved GR-CO w/ conditions (5-0), 1 <sup>st</sup> reading  Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** There are no pending related cases.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
RM 620	150'	MAD 4	Arterial	No	No	No

**CITY COUNCIL DATE:** December 8, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

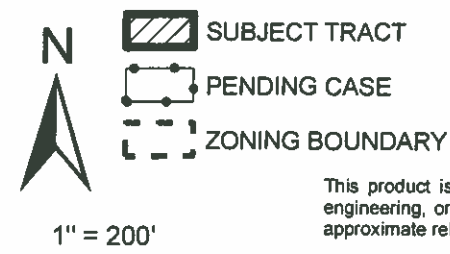
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



**ZONING**  
**ZONING CASE#: C14-2011-0120**



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.









## **STAFF RECOMMENDATION**

The staff recommends GR-CO, Community Commercial-Conditional Overlay Combining District, zoning for Tract 1 and CS-1-CO Commercial-Liquor Sales-Conditional Overlay Combining District, zoning for Tract 2. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

### **Tract 1:**

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

### **Tract 2:**

The CS-1 zoning district is intended for the development of a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

- 2. The proposed zoning should promote consistency and orderly planning.*

The proposed GR-CO zoning and CS-1-CO zoning districts would be compatible and consistent with the adjacent uses because there is GR-CO zoning with a CS-1 zoning footprint located to the east, across FM 620 Road. The property in question is also surrounded by commercial uses as there are service station and restaurant uses to the north (Jiffy Lube and Sonic), a convenience storage use (U-Haul) and an outdoor recreation use (Woodland Green's Golf Center to the south, and a commercial retail center to the east across FM 620 Road (Plaza Volente: HEB, Panda Express, Starbucks Coffee, Chase Bank, etc.).

- 3. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The property in question is a large tract of land that is located near the southwest intersection of two arterial roadways, North FM 620 Road and Anderson Mill Road.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property in question is currently developed with a commercial retail center (The Shops at Volente: Sprint, Sacconi's Restaurant, Stoggies, Volente Nails, Shooter's Billards and Sports Bar, John's Gym, Scubaland, Travel). The properties to the north are developed with Automotive Repair (Jiffy Lube) and restaurant uses (Sonic). To the east across North FM 620, there is another commercial retail center (Plaza Volente). The lot to the south contains a Convenience Storage use (U-Haul). The property to the west, behind this site, appears to contain a residence and undeveloped land.



## **Environmental**

The site is located over the Edwards Aquifer Recharge Zone. This site lies on or very close to the divide between the Lake Travis Watershed (Water Supply Rural) and the Bull Creek Watershed (Water Supply Suburban), each of the Colorado River Basin. A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds. The site is in the Drinking Water Protection Zone.

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.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

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

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

## **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90% and the CS-1 zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Following are the comments for each watershed classification:

### **Water Supply Rural**

Under the 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>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

### Water Supply Suburban

Under the 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>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Note: The most restrictive impervious cover limit applies.

### Site Plan

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

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.

A cocktail lounge is a conditional use, and conditional use permits require approval by Land Use Commission along with a public hearing.

### Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### 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]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
RM 620	150'	MAD 4	Arterial	No	No	No

### Water and Wastewater

The property is currently served by 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. The water and wastewater utility plan 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

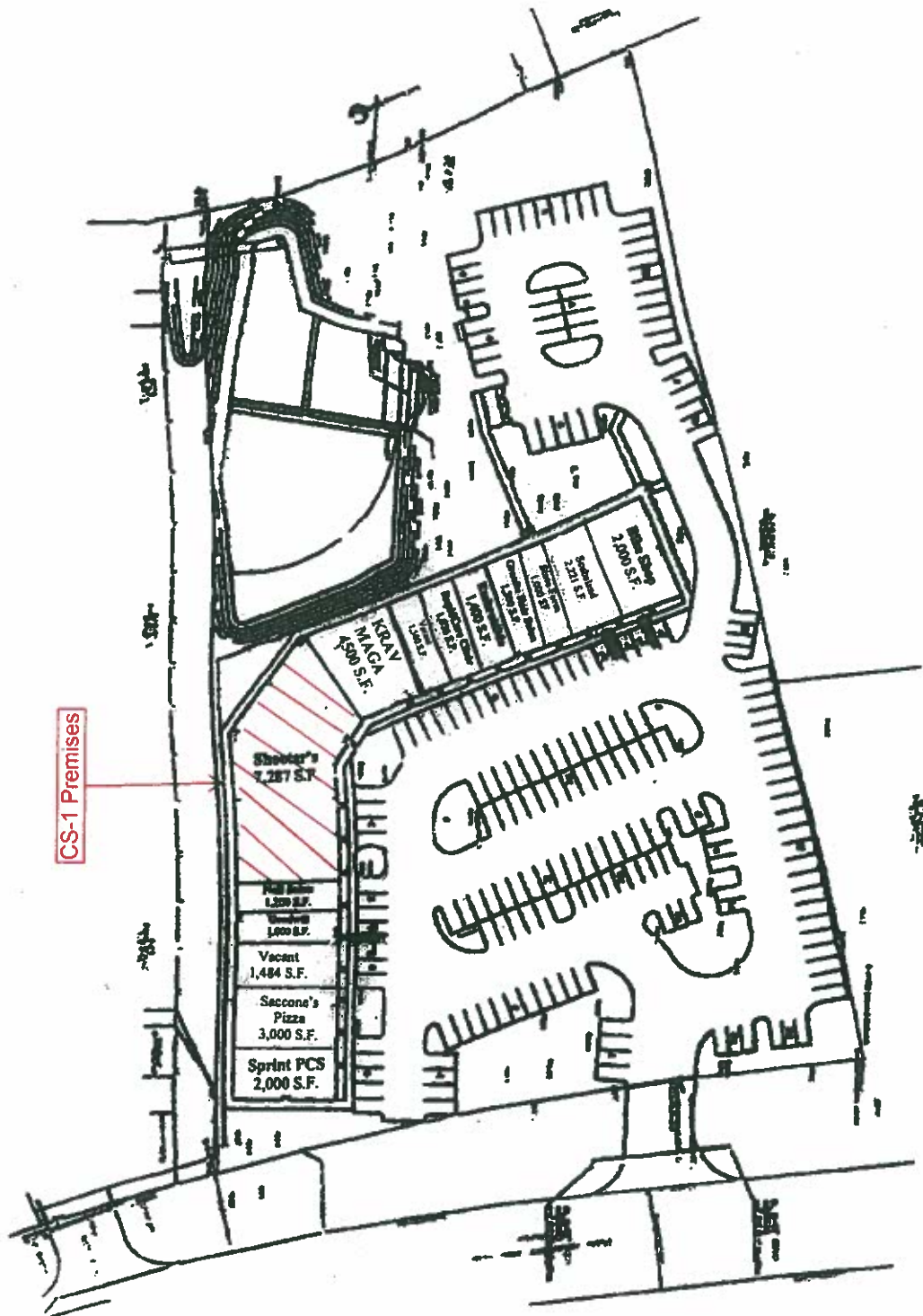
landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



**EXHIBIT "B"**

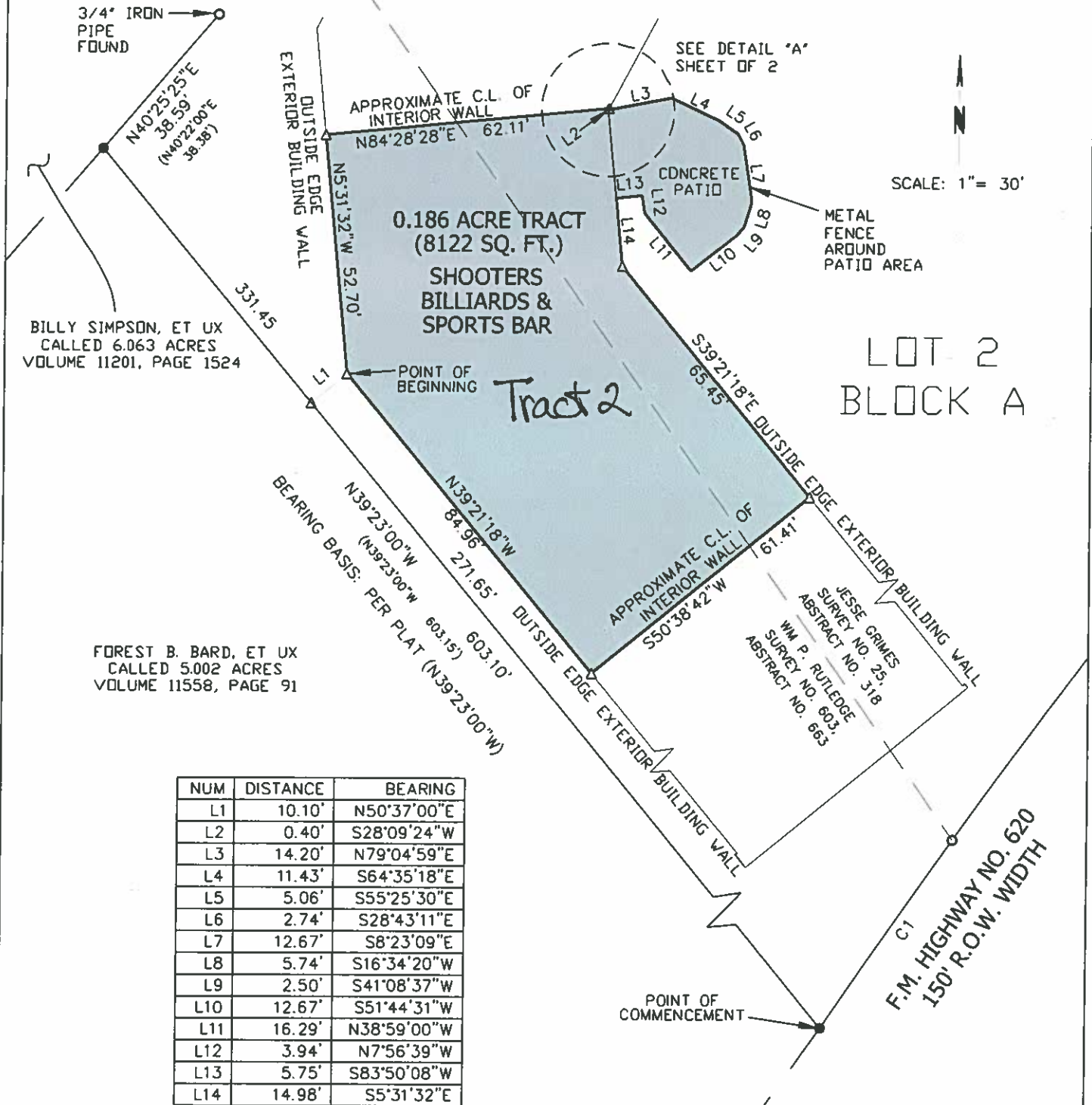
**THE SHOPS AT VOLENTE**

**SITE PLAN**



# SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0.186 ACRE (8122 SQUARE FOOT) TRACT OF LAND SITUATED IN THE WM P. RUTLEDGE SURVEY NO. 603, ABSTRACT NO. 663, AND THE JESSE GRIMES SURVEY NO. 25, ABSTRACT NO. 318, TRAVIS COUNTY, TEXAS, BEING A PART OF LOT 2, BLOCK A, SOPHIE'S CHOICE SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT OR MAP THEREOF, RECORDED IN VOLUME 100, PAGE(S) 270 - 271 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.186 ACRE TRACT OF LAND BEING THAT PORTION OF THE BUILDING KNOWN AS "THE SHOPS AT VOLENTE" AND OUTSIDE PATIO AREA OCCUPIED BY SHOOTERS BILLIARDS AND SPORTS BAR.



NUM	OELTA	ARC	RADIUS	BEARING	DISTANCE
C1	1°48'04"	50.29'	1599.55'	N34°39'53"E	50.29'
(C1)	1°48'19"	(50.40')	(1599.55')	(N34°22'50"E)	(50.40')

SHEET 1 OF 2

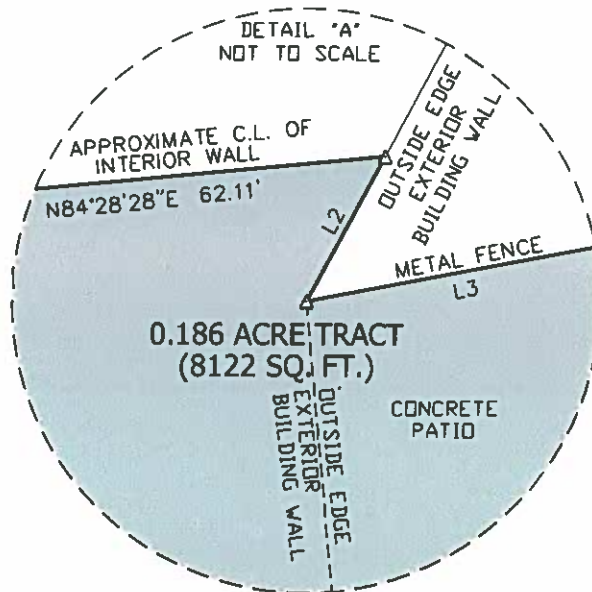


DIAMOND SURVEYING, INC.

116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628  
(512) 931-3100

# SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FDR A 0.186 ACRE (8122 SQUARE FOOT) TRACT OF LAND SITUATED IN THE WM P. RUTLEDGE SURVEY NO. 603, ABSTRACT NO. 663, AND THE JESSE GRIMES SURVEY NO. 25, ABSTRACT NO. 318, TRAVIS COUNTY, TEXAS, BEING A PART OF LOT 2, BLOCK A, SOPHIE'S CHOICE SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT OR MAP THEREOF, RECORDED IN VOLUME 100, PAGE(S) 270 - 271 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.186 ACRE TRACT OF LAND BEING THAT PORTION OF THE BUILDING KNOWN AS "THE SHOPS AT VOLENTE" AND OUTSIDE PATIO AREA OCCUPIED BY SHOOTERS BILLIARDS AND SPORTS BAR.



## LEGEND

●	BOUNDARY MONUMENT FOUND (1/2" IRON ROD UNLESS OTHERWISE NOTED)
○	1/2" IRON PIPE FOUND (UNLESS OTHERWISE NOTED)
△	CALCULATED POINT
—+—	DISTANCE NOT SHOWN TO SCALE
( > )	RECORD INFORMATION PER (VOLUME 100, PAGE 270)

CERTIFICATION TO: CITY OF GEORGETOWN and STEWART TITLE GUARANTY COMPANY EXCLUSIVELY.

THE UNDERSIGNED CERTIFIES THAT THIS SURVEY WAS THIS DAY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND OF THE REAL PROPERTY SHOWN ON THE SURVEY, AND AFTER THE EXERCISE OF PROFESSIONAL DILIGENCE AND REASONABLE CARE THAT THIS SURVEY IS CORRECT TO THE BEST OF THE UNDERSIGNED'S KNOWLEDGE AND BELIEF; THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, OR BOUNDARY CONFLICTS OR VISIBLE ENCROACHMENTS, PROTRUSIONS OR OVERLAPPING OF IMPROVEMENTS, EXCEPT AS SHOWN HEREON; AND THAT THE PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.



SHEET 2 OF 2

*Shane Shafer*

SHANE SHAFER, R.P.L.S. No. 5281

September 19, 2011

DATE



**DIAMOND SURVEYING, INC.**

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