

## ZONING CHANGE REVIEW SHEET

C3  
1

**CASE:** C14-2012-0157 (Dessau Partners)

**Z.A.P. DATE:** January 29, 2013  
February 5, 2013

**ADDRESS:** 13422 Dessau Road

**OWNER/APPLICANT:** Dessau Partnership, LLC (Richard L. Schroer, Manager)

**AGENT:** BBD Commercial (Tim Jarvis)

**ZONING FROM:** I-RR

**TO:** CS-1

**AREA:** 3.112 acres  
(135,558.72 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay District, zoning for the 14, 300 sq. ft. building footprint known as Tract 1 and GR-CO, Community Commercial-Conditional Overlay District, zoning for the remainder of the site, known as Tract 2. The conditional overlay will limit the development intensity to less than 2,000 vehicle trips per day over the existing land uses.

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

1/29/13: Postponed to February 5, 2013 at the applicant's request (5-0, G. Rojas-late, P. Seeger-absent); C. Banks-1<sup>st</sup>, R. McDaniel-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a dance hall/bar (Dessau Hall/El Mexicano Night Club). These tracts of land were annexed by the City of Austin last year through case C7a-12-0003. Therefore, the applicant has filed this request to seek permanent zoning for this site.

The staff recommends the applicant's request to zone the existing structure for CS-1-CO zoning. The staff also recommends zoning the remainder of the site to GR-CO zoning, which is consistent with the existing GR-CO zoning to the west of this property across Dessau Road. The proposed zoning is appropriate as this site is located at the intersection of two major arterial roadways, Dessau Road and Howard Lane. In addition, the proposed zoning will bring the existing use on the property into conformance with Land Development Code use regulations.

The applicant agrees with staff's recommendation.

C3/2

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR, I-SF-2	Dance Hall/Cocktail Lounge (Dessau Hall/El Mexicano Night Club)
<i>North</i>	County	Undeveloped Tract
<i>South</i>	I-RR	Undeveloped
<i>East</i>	I-RR	Undeveloped, Single-Family Residence
<i>West</i>	GR-CO	Undeveloped, Water Plant

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Harris Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Austin Monorail Project  
 Harris Branch Master Association, Inc.  
 Harris Ridge Owner's Association  
 Harris Ridge Phase IV  
 Home Builders Association of Greater Austin  
 Homeless Neighborhood Association  
 League of Bicycling Voters  
 North Growth Corridor Alliance  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 Tech-Ridge Association  
 The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0011 (T-Mobile Wireless Facility: 13208 Dessau Rd)	DR to SF-6-CO* * The applicant has proposed a conditional overlay to limit development on the site to SF-1, Single-Family Residence- Large Lot District, density regulations and to limit development on	3/07/06: Approved staff's recommendation of SF-6-CO zoning by consent (9-0); J. Martinez-1 <sup>st</sup> , J. Pinnelli-2 <sup>nd</sup> .	4/06/06: Approved SF-6-CO district zoning by consent (7-0); all 3 readings

C3  
3

	the site to less than 2,000 vehicle trips per day.		
C14-04-0127 (Wright Subdivision Dessau Road Zoning Change: 1624 East Howard Lane)	GR-CO to GR	10/19/04: Approved staff's recommendation of GR-CO zoning by consent (9-0), with CO to prohibit Adult Oriented Business uses and a public restrictive covenant to encompass the TIA recommendations.	11/18/04: Granted GR-CO (7-0); all 3 readings
C14-04-0056 (Fish Tract: 13600-14224 Dessau Road)	I-RR to CS, MF-3, SF-6, SF-2	11/02/04: Approved staff's recommendation of SF-2-CO, SF-6, MF-3, LR, LR-MU, GR, GR-MU zoning by consent (9-0)	12/16/04: Granted SF-2-CO, SF-6, MF-3, LR-MU, GR and GR-MU on all 3 readings (7-0)
C14-03-0001 (Cornerstone Baptist Church: 13300 Dessau Rd)	DR to LO	1/28/03: Approved staff's recommendation of LO-CO zoning, w/2,000 trip limit (8-0, J. Donisi-absent)	2/27/03: Granted LO-CO on all 3 (6-0, Goodman-out of room)
C14-00-2101 (Harris Ridge Rezoning: Harris Ridge Drive at Howard Lane)	DR to CS	8/1/00: Approved staff rec. w/ condition of no Adult Oriented Businesses (8-0)	9/28/00: Approved GR-CO w/ conditions on TR 1 & 2 (7-0); all 3 readings
C14H-00-0005 (Evangelical Lutheran Church: 13300 Dessau Road)	DR to DR-H	9/12/00: Approved staff rec. by consent (6-0)	10/5/00: approved DR-H (5-0); all 3 readings

**RELATED CASES:** C7a-12-0003 (Annexation Case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Dessau Road	140'	95'	6-lane, major arterial divided (MAD6)	1, 659+
E. Howard Lane	114'	25'-75'	4-lane, major arterial divided (MAD4)	19,212++

+ Dessau Rd, 13400 block – South of Howard Lane (06/21/04)

++Howard Ln East, 1000 block – Harris Ridge Blvd (07/05/06)

**CITY COUNCIL DATE:** February 28, 2013

**ACTION:**

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

2<sup>nd</sup>

3<sup>rd</sup>

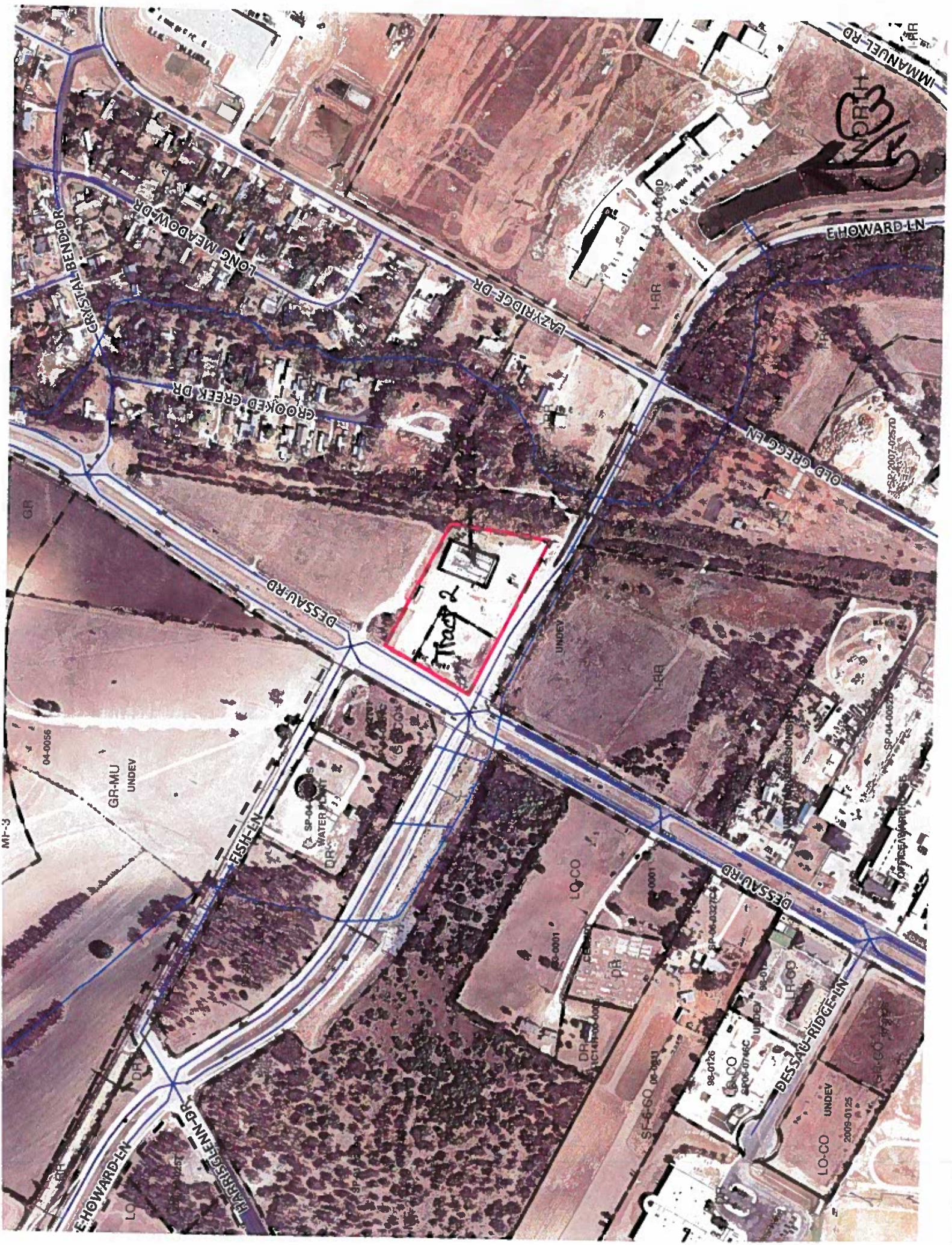
**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

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









## STAFF RECOMMENDATION

The staff's recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay District, zoning for the 14, 300 sq. ft. building footprint known as Tract 1 and GR-CO, Community Commercial-Conditional Overlay District, zoning for the remainder of the site, known as Tract 2. The conditional overlay will limit the development intensity to less than 2,000 vehicle trips per day over the existing land uses.

C3  
/6

## BASIS FOR RECOMMENDATION

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

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.

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

There is commercial (GR-CO) zoning to the west of the site, across Dessau Road. The tracts of land to the north, south, east and west of the site are currently undeveloped.

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 located at the northeast intersection of two arterial roadways, Dessau Road and East Howard Lane.

## EXISTING CONDITIONS

### Site Characteristics

The subject tract is currently developed as a night club/cocktail lounge. The properties directly to the north, south, east and west are undeveloped.

### Comprehensive Planning

This zoning case is located on the northeast corner of Howard Lane and Dessau Road, and contains a dance hall. This rezoning is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes vacant land to the north, south, east and west.

The Imagine Austin Comprehensive Plan (IACP) Growth Concept Map designates this portion of the Howard Lane and Dessau Road as a 'Neighborhood Center', which the IACP defines as, "The smallest and least intense of the three types of activity centers outlined in the Growth Concept Map. Of the three, these will have a more local focus. Businesses and services—doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods."

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development:

C3/7

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

Based on the property being located within the boundaries of a Neighborhood Center as identified on the IACP Growth Concept Map; and the Imagine Austin policies referenced above, staff believes that the existing commercial use is supported by the Imagine Austin Comprehensive Plan.

#### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

#### **Environmental**

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

According to flood plain maps there is a floodplain within or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

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.

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.

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.

C3/8

### **Impervious Cover**

The maximum impervious cover allowed by 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 is limited by the watershed regulations.

The site is in the Harris Branch 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%

Note: The most restrictive impervious cover limit applies.

### **Site Plan**

New or additional development on this site will be subject to *Subchapter E: Design Standards and Mixed Use*. Additional comments will be provided upon submittal of the site plan.

### **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 stormwater runoff will be mitigated through on-site stormwater 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].

There are existing sidewalks along Howard Lane.

There are no existing sidewalks along E. Dessau Road.

Capital Metro bus service is not available within 1/4 mile of this property.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: *E. Howard Lane #116 and Dessau Road #59*



C3  
1/9

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
Dessau Road	Shared Lane	Bike Lane
E. Howard Lane	Wide Curb	Bike Lane

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Dessau Road	140'	95'	6-lane, major arterial divided (MAD6)	1, 659+
E. Howard Lane	114'	25'-75'	4-lane, major arterial divided (MAD4)	19,212++

+ Dessau Rd, 13400 block – South of Howard Lane (06/21/04)

++Howard Ln East, 1000 block – Harris Ridge Blvd (07/05/06)

**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. 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.

A Service Extension Request will be required for future wastewater service if On-Site Sewage Facilities are not utilized. For more information pertaining to the Service Extension Request process and submittal requirements contact Phillip Jaeger with the Austin Water Utility, Utility Development Services at 625 E. 10th St., 7<sup>th</sup> floor. Ph: 512-972-0207. The Austin Water Utility reserves the right to make additional comments and to establish other requirements with the Service Extension Request review.



**Sirwaitis, Sherri**

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**From:** Isabel Perales-Garcia [redacted]  
**Sent:** Tuesday, January 29, 2013 5:42 PM  
**To:** Sirwaitis, Sherri  
**Subject:** Fwd: Dessau CASE #: C14-2012-0157  
**Attachments:** image003.jpg

C3  
11

Sent from my iPhone

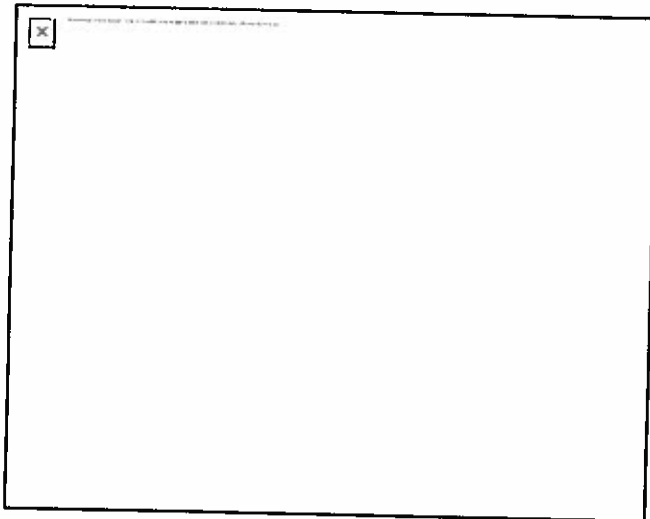
Begin forwarded message:

**From:** Isabel Perales-Garcia [redacted]  
**Date:** January 29, 2013, 5:24:17 PM CST  
**To:** "Sherri.sirwaitis@austintexas.gov" <Sherri.sirwaitis@austintexas.gov>  
**Cc:** Richard Schroer [redacted]; Tim Jarvis <tim@bbdcommercial.com>  
**Subject:** Dessau CASE #: C14-2012-0157

Hello Sherri,

The ownership for 13422 Dessau respectfully requests a postponement of the hearing regarding CS1 Zoning until the Feb 5<sup>th</sup> 2013 meeting.  
Please confirm receipt of this message.

Best regards,  
Isabel Perales-Garcia





## 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.austintexas.gov](http://www.austintexas.gov)

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: C14-2012-0157**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Jan 29, 2013, Zoning and Platting Commission**

**Feb 28, 2013, City Council**

Richard Schroer, Jr.

*Your Name (please print)*

13422 Dessau Road / 13416 Gregg Lane

Austin, Texas 78754

☒ I am in favor  
☐ I object

*Your address(es) affected by this application*

Richard L. Schroer, Jr.

Digitally signed by Richard L. Schroer, Jr.  
DN: cn=Richard L. Schroer, Jr., o=elli-ludts Development,  
ou=US, email=elli-ludts@elli-ludts.com, ou=US,  
Date: 2013.01.17 15:41:21 -0600

January 17, 2013

*Date*

*Signature*

Daytime Telephone: (512) 499-8300

Comments: Strongly In Favor & Approve

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

C3  
12

## PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0157

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jan 29, 2013, Zoning and Platting Commission  
Feb 28, 2013, City Council

MICHAEL E. RHEDES

Your Name (please print)

13300 DESSAU RD.

Your address(es) affected by this application

Michael Rhodes

Signature

Daytime Telephone: 512-251-3378

Date

1-21-2013

Comments: OBJECT ON BEHALF OF CONSISTENT

DARTIST CHURCH TO THIS CHANGE, THE

FOLLOWING USES SHOULD BE EXCLUDED DUE TO

PROXIMITY TO OUR CHURCH, SCHOOLS AND

NEIGHBORHOODS:

1) CIGARETTE LOBBY 5) PEDIAR STORAGE DISH

2) DRUG DEE RECYCLING 6) VEHICLE STORAGE

3) LIQUOR SALES 7) CLUB LA LODGE

4) PAWN SHOP SERVICES

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

C3  
/3