

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0041 (New Tenant Project)

Z.A.P. DATE: August 19, 2014
September 16, 2014
October 21, 2014
December 16, 2014

ADDRESS: 10300 Anderson Mill Road

DISTRICT AREA: 6

OWNER: FN Corporation (Neelam Jan)

AGENT: Bennett Consulting (Jim Bennett)

ZONING FROM: I-SF-2 **TO:** ~~CS-1~~ LR* **AREA:** 0.49acres

*On April 2, 2014, the agent for this case submitted a request to amend the zoning request from CS-1 to LR zoning (Please see Attachment A).

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR-CO (Neighborhood Commercial-Conditional Overlay) zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

Approximately 57 feet of right-of-way should be dedicated from the existing centerline of Anderson Mill Road should be dedicated through a street deed prior to 3rd reading of this zoning case at City Council for future expansion of Anderson Mill Rd to (MAD 4 WC) according to the Transportation Plan.

In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum-Attachment B) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/19/14: Postponed to September 16, 2014 at the staff's request (5-0, C. Banks, G. Rojas-absent); P. Seeger-1st, R. McDaniel-2nd.

9/16/14: Postponed to October 21, 2014 at the staff's request (6-0, P. Seeger-absent); C. Banks-1st, R. McDaniel-2nd.

10/21/14: Postponed to November 18, 2014 at the staff's request (5-0, P. Seeger and R. McDaniel-absent); G. Rojas-1st, C. Banks-2nd.

11/18/14: Postponed to December 16, 2014 at the staff's request (5-0, S. Compton & R. McDaniel-absent); G. Rojas-1st, C. Banks-2nd.

12/16/14: Approved the staff's recommendation of LR-CO zoning, with conditions, by consent (6-0, R. McDaniel-absent); P. Seeger-1st, S. Compton-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a convenience store (Speedy Mart) and a restaurant use (Aqueria Zacatlan). The applicant is requesting LR, Neighborhood Commercial District, zoning so that they can bring the existing uses on the site into conformance with the land use regulations in the City of Austin Land Development Code.

The staff is recommending LR-CO zoning for this site because the property in question meets the intent of the Neighborhood Commercial district as it will provide business service and office facilities for the residents of a neighborhood with site development designed to ensure that the uses are compatible and complementary in scale and appearance with the residential environment. LR-CO zoning will allow for low intensity office and commercial uses to front onto Anderson Mill Road while creating an appropriate transition to the religious assembly (Celebration Church) and elementary school (Spicewood Elementary School) to the south and the single-family residential uses located to the east and west of the property. The proposed zoning will permit the applicant to bring the existing uses on the site into conformance with City of Austin Land Development Code use regulations, without being incompatible with the surrounding residential area.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Convenience Store (Speedy Mart), Restaurant, Vacant Space
<i>North</i>	I-SF-2	Day Care (ABC Child Development Center)
<i>South</i>	GR-CO	Retail Center (The Crossing: Shipley's Donuts, Syndi-Cut Hair and Nail Salon, OPI Nails & Spa, Affordable Pet Care, Texas Aid to Animals Office, Inner Diva Studios, Jack Brown Cleaners, Sarpino's Pizzeria, Bhumn Dancespace, Extreme Fun, Inc., Austin Driving School, Austin Regional Clinic Austin Radiological Association, Celebration Church, Kung Fu, Delaware Sub Shop, Anderson Mill Tavern), Wells Fargo Bank, Telecommunications Tower
<i>East</i>	I-SF-2	Single-Family Residences
<i>West</i>	I-SF-2	Single-Family Residences

AREA STUDY: N/A

TIA: Waived

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Anderson Mill Neighborhood Association
Austin Heritage Tree Foundation
Austin Monorail Project
Bike Austin
Bull Creek Foundation

Homeless Neighborhood Association
Long Canyon Homeowners Association
Long Canyon Phase II & III Homeowner Association Inc.
Round Rock Independent School District
SELTEXAS
Sierra Club, Austin Regional Group
Spicewood Springs Road Tunnel Coalition
Super Duper Neighborhood Objectors and Appealers Organization
The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0240 (10401 Anderson Mill Road)	RR, GR to GR	2/19/08: To grant GR-CO zoning (6-0, T. Rabago, J. Martinez-absent), with the following conditions: 1) Prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Theater, and Hospital Services (General); 2) Allow the following as conditional uses: Community Recreation (Private), Community Recreation (Public), Congregate Living, Group Home-Class II, Hospital Services (Limited), Residential Treatment; 3) Limit the property to 'LR' district site development regulations; 4) Limit development to less than 2,000 vehicle trips per day above what currently exists on the site; 5) The applicant shall dedicate approximately 11-feet of right-of-way from the existing centerline of Anderson Mill Road.	3/20/08 : Approved GR-CO zoning by consent (7-0); all 3 readings

C14-04-0112 (Williamson Square: 1070Anderson Mill Road)	I-RR to GR	9/7/04: Approved GR-CO zoning, with following conditions: 1) Prohibit all 'GR' district uses except: Business or Trade School (with a 3,000 sq. ft. size limit), Business Support Services, Communications Services, Food Preparation (as a conditional use up to 5,000 sq. ft.), General Retail Sales (General), Indoor Sports and Recreation, Personal Improvement Services, Restaurant (General); 2) Permit all 'LR' district uses and conditional uses; 3) Limit the property to 'LR' district development regulations; 4) Limit development to less than 2,000 vehicle trips per day above what currently exists on the site. (7-1, B. Baker-Nay); T. Rabago-1 st , M. Whaley-2 nd	10/21/04: Approved GR-CO zoning (7-0); all 3 readings
C14-02-0180 (Hope Presbyterian Church: 11512 Olson Drive)	RR to GR	1/07/03: Approved staff's recommendation of GO-CO zoning with conditions to limit development intensity to 2,000 vehicle trips per day; allow Religious Assembly as the only permitted GO use; and allow all other LO uses (9-0); B. Baker-1 st , K. Jackson-2 nd	2/06/03: Granted GO-CO on all 3 readings (7-0)
C14-00-2255 (Spicewood Tract: 10601 Block of Anderson Mill Road)	RR to SF-6	1/23/01: Approved staff alternated rec. of SF-6-CO by consent (8-0)	3/1/01: Approved SF-6-CO w/ other conditions (7-0); 1 st reading 4/19/01: Approved SF-6-CO w/ conditions; 2 nd /3 rd readings
C14-00-2071 (Sprint PCS Wormwood: 10401 Anderson Mill Road)	RR to GR	6/06/00: Approved staff rec. of GR by consent (9-0)	8/03/00: Approved GR zoning (7-0); all 3 readings

RELATED CASES: C7L-98-006 (Annexation – December 21, 1998)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Anderson Mill Road	90'	50'	Major Arterial	No	Yes	Yes
Millwright Parkway	60'	46'	Local	Yes	Yes	Yes

CITY COUNCIL DATE: September 25, 2014**ACTION:** Postponed to November 20, 2014 by consent at the staff's request (7-0); B. Spelman-1st, L. Morrison-2nd.

November 20, 2014

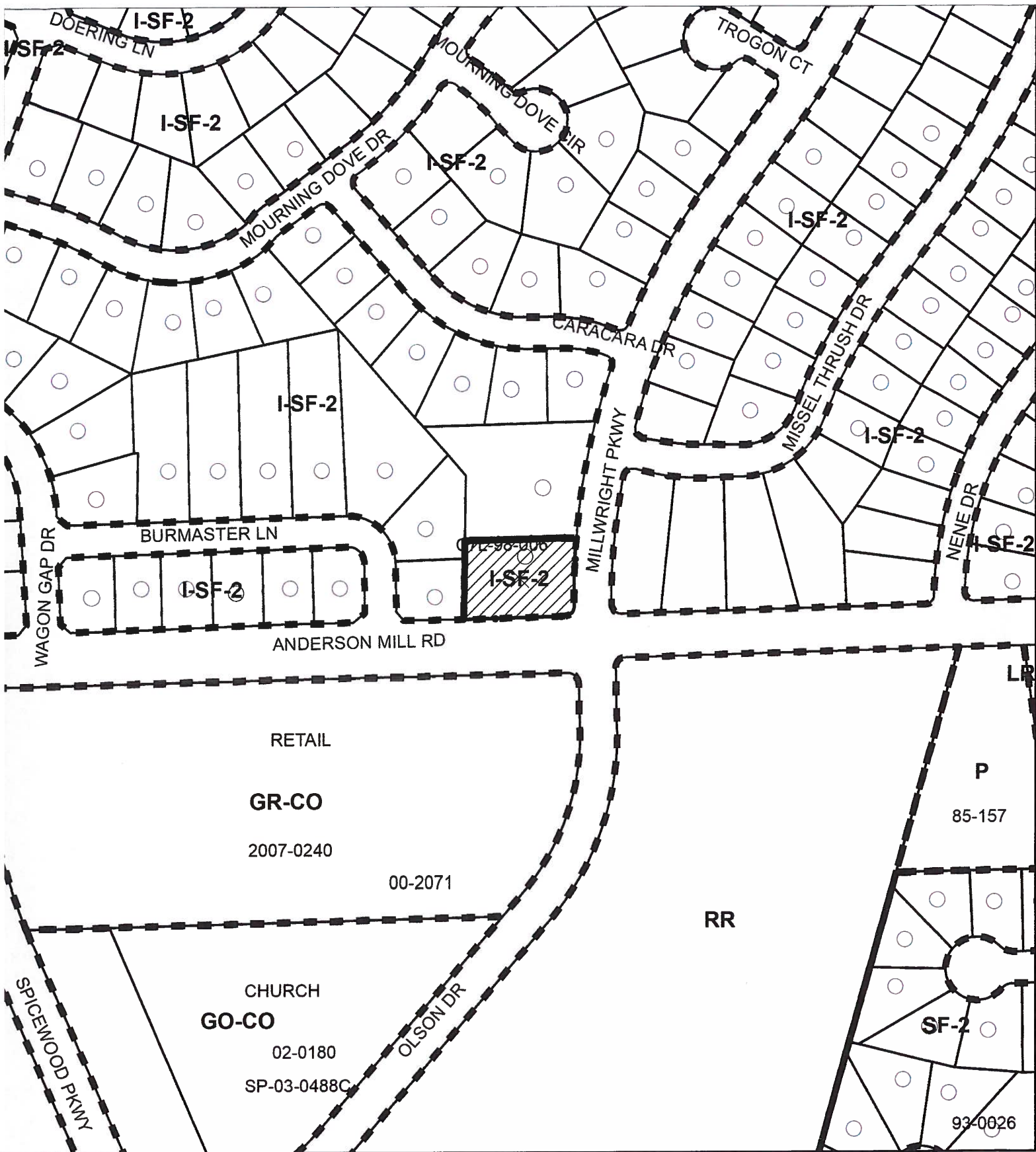
ACTION: Postponed to January 29, 2015 by consent at the staff's request (7-0)

January 29, 2015

ACTION: Postponed to February 12, 2015 at the staff's request (11-0)

February 12, 2015

ACTION:**ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Sherri Sirwaitis**PHONE:** 512-974-3057,
sherri.sirwaitis@austintexas.gov



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

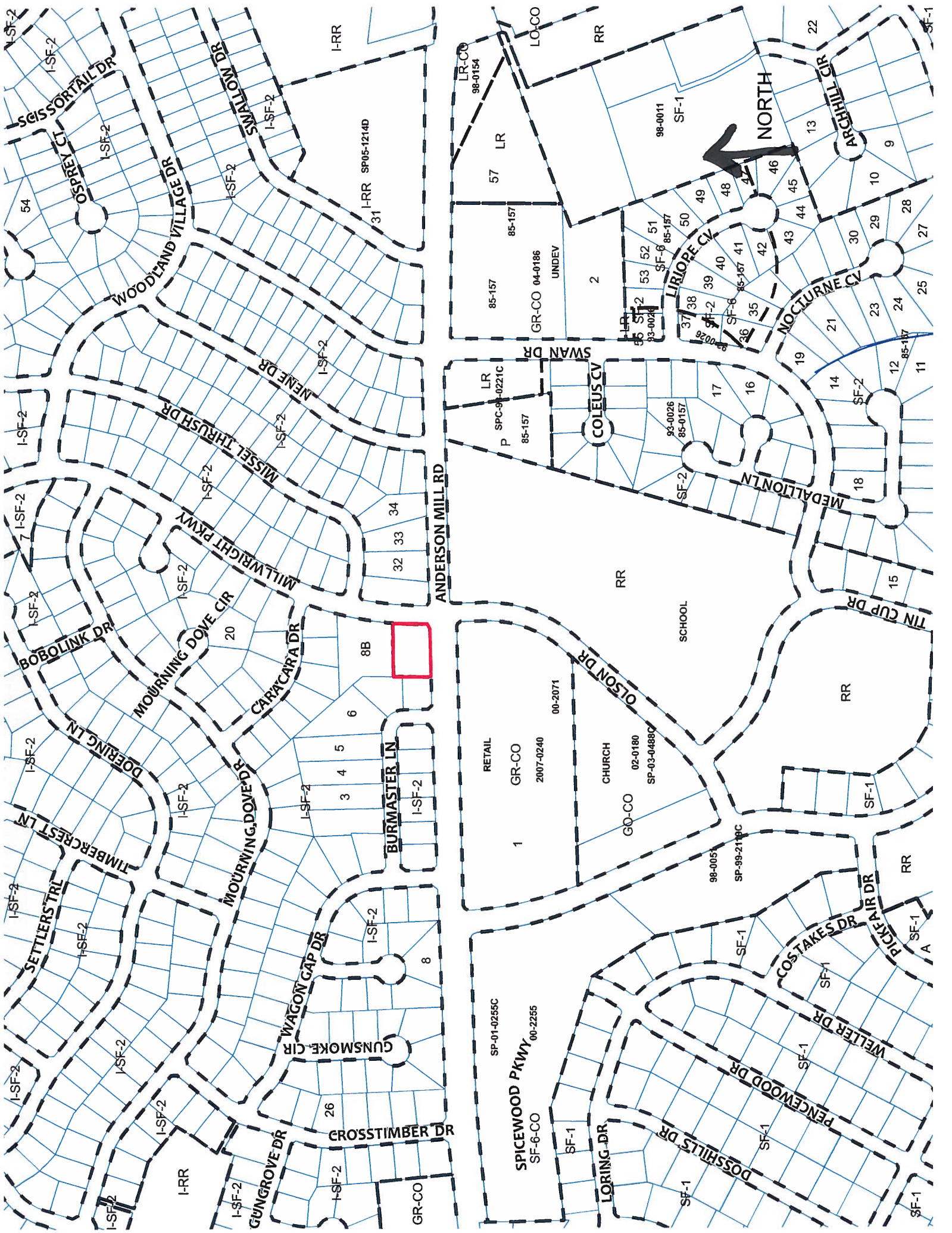
ZONING CASE

C14-2014-0041

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.







NORTH

ANDERSON MILL RD

OLSON DR

CARACARA DR

MILLWRIGHT PKWY

BURMASTER LN

I-SF-3

8A

8B

I-SF-2

2007-0240

00-2071

STAFF RECOMMENDATION

The staff's recommendation is to grant LR-CO (Neighborhood Commercial-Conditional Overlay) zoning. The proposed conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

Approximately 57 feet of right-of-way should be dedicated from the existing centerline of Anderson Mill Road should be dedicated through a street deed prior to 3rd reading of this zoning case at City Council for future expansion of Anderson Mill Rd to (MAD 4 WC) according to the Transportation Plan.

In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum-Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

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

LR-CO zoning will allow for low intensity office and commercial uses to front onto Anderson Mill Road while creating an appropriate transition to the religious assembly and elementary school to the south and the single-family residential uses located to the east and west of the property.

3. *The proposed zoning should allow for a reasonable use of the property.*

The LR-CO zoning district would allow for a fair and reasonable use of the site because it will allow for the applicant to bring many of the existing uses on the site into conformance with City of Austin Land Development Code use regulations, without being incompatible with the surrounding residential uses.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is developed with a convenience store and a vacant restaurant use. The lots to the east and west contain single-family residences. There is a day care facility to the north. To the south, across Anderson Mill Road, there is a commercial center (The Crossing) with a Financial Services use (Wells Fargo Bank) and a telecommunication tower.

Comprehensive Planning

I-SF-2 to CS-1

This zoning case is located on the northwest corner of Anderson Mill Road and Millwright Parkway and contains a convenience store and 3 small retail bays situated on a .49 acre parcel. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a children's day care center to the north, a commercial shopping center to the south, and single family houses to the east and west. The proposed use is liquor sales.

Imagine Austin

The site is located over the Edwards Aquifer Recharge Zone. An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer.

Conclusion

The comparative scale of the site relative to other commercial uses located along this portion of Anderson Mill Road falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, due to the site's location in an environmentally sensitive area, there will be at the site planning stage an environmental review to determine if any critical environmental features are located on the site. If any are located, mitigation and setbacks necessitated by the land development code will be required.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

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

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the Watershed impervious cover is more restrictive than the GR zoning district's

allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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 Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

Note: The most restrictive impervious cover limit applies.

Site Plan

New construction on this site will be subject to *Subchapter E: Design Standards and Mixed Use*.

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

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Anderson Mill Road. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for future expansion of Anderson Mill Rd to (MAD 4 WC) according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55].

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]

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114.

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: Anderson Mill Road and Millwright Parkway

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Anderson Mill Road	90'	50'	Major Arterial	No	Yes	Yes
Millwright Parkway	60'	46'	Local	Yes	Yes	Yes

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 and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

Attachment A

April 2, 2014

Sherri Sirwaitis
City of Austin
505 Barton Springs RD
Austin, Texas 78704

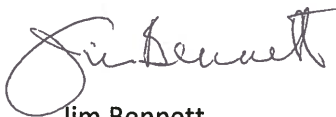
RE: C14-2014-0041

Mrs. Sirwaitis,

will Ed.

As the newly appointed agent for the zoning change request of 10300 Anderson Lane, we would like to formally amend the request from CS-1 to LR.

Respectfully,



Jim Bennett

512-784-4961

**MEMORANDUM**

DATE: December 9, 2014
TO: Sherri Sirwaitis, Case Manager
CC: Jim Bennett, Jim Bennett Consulting
SUBJECT: Neighborhood Traffic Analysis for New Tenant Project (C14-2014-0041)

The transportation review staff has prepared Neighborhood Traffic Analysis (NTA) for the above referenced case. The site is located at the northeast corner of Anderson Mill Road and Millwright Parkway. The site is bordered by a child day care facility to the immediate north, and commercial retail to the south, across Anderson Mill. Single family abuts the site to the west, and across Millwright, to the east. This .49 acre tract is currently zoned I-SF-2. The site is proposed for CS-1.

ROADWAYS

Millwright Parkway is residential collector with 60 feet of right-of-way and 42 feet of pavement. Under Section 25-6-114 of the Land Development Code, Millwright Parkway is classified as a residential collector street because at least 50 percent of its frontage is zoned for SF-5 or more restrictive uses. The average daily traffic (ADT) on Millwright is estimated at 3,179 vehicles at the intersection with Anderson Mill Road (based on traffic counts provided by the applicant).

TRIP GENERATION AND TRAFFIC ANALYSIS

Based on the Institute of Transportation Engineer's (ITE) publication Trip Generation, the proposed development may generate up to 1,830 vehicle trips per day.

Trip Generation (Adjusted)		
Land Use	Size/Units	ADT
Convenience Store/Liquor Sales (ITE 820)	.49 acres	1830

Traffic distributions were based on conservative estimates and land-use precedents that the majority of convenience store trips are based on pass-by traffic. Consequently, the arterial (Anderson Mill) will be more frequently utilized and bear most of the trips generated.

The site is proposing access to both Anderson Mill Road and Millwright parkway. The trip distribution on the adjacent roadways is shown in the table below:

Traffic Distribution	
Street	Site Traffic
Anderson Mill Road (Major Arterial)	75%
Millwright Parkway (Residential Collector)	25%

Below is a table containing the estimated number of trips that will affect each street.

Trip Assignment			
Street	Existing Traffic	Site Traffic	Total Traffic after Project
Anderson Mill Road	31,035	1373	32,408
Millwright Parkway	3,179	457	3,636

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential local or collector street with a pavement width of more than 40' may carry up to 4,000 vehicle trips per day.

CONCLUSIONS/RECOMMENDATIONS

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.

2. The traffic along Millwright Parkway does not exceed the requirements established in Section 25-6-116 (referenced above).
3. Development of this property should be limited to uses and intensities, which will not exceed or vary from the projected traffic conditions assumed in this neighborhood traffic analysis including traffic distribution, roadway conditions, and other traffic related characteristics.
4. Vehicular access to Millwright should be limited to one egress/ingress point due to proximity to a signalized intersection.

If you have any questions or require additional information, please contact me 974-3124.

A handwritten signature in black ink, appearing to read 'B. Golden', with a long horizontal stroke extending to the right.

Bryan Golden
Transportation Review Team, Land Use Review
Planning and Development Review Department

Sirwaitis, Sherri

From: Carrie Hartwell <chartwell03@gmail.com>
Sent: Tuesday, August 12, 2014 3:47 PM
To: Sirwaitis, Sherri
Subject: Case Number: C14-2014-0041 Meeting 8-19-14

Dear City of Austin Planning & Development Review Department,

X I object Case # C14-2014-0041

I am a home owner living right around the corner of the proposed liquor store. I beg you on the behalf of our neighborhood's future NOT to allow this store to open.

There are many locations in this city for liquor stores. Please do not allow them into our neighborhoods. This store literally backs up to a day care center and is across the street from an Elementary School and a church. Please leave neighborhoods for people. There are not many places left to feel safe in this world anymore.

This business could destroy our neighborhood. The application for this "zoning change" said that the tenant guarantees not to have more that 2,000 cars per day travel to his store, really, only 2,000?
Please, ask yourselves if you would want this store in YOUR neighborhood?

I bought my home in 2001 as a single mother so that I could raise my son in a good neighborhood. I have worked hard to keep this home and pay my taxes. I plan to retire here. It is a great community.
Please help keep it a safe place to live.

Respectfully,

Carrie Hartwell
10259 Missel Thrush Drive
Austin, TX 78750

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:

<http://www.austintexas.gov/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: C14-2014-0041

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Aug 19, 2014, Zoning and Platting Commission

Sep 25, 2014, City Council

LOYAL COOK & JANEY COOK

Your Name (please print)

10417 MOURNING DOVE DR

AUSTIN, TX 78750

Your address(es) affected by this application

Loyal Cook Janey Cook

Signature

Aug 4, 2014

Date

Daytime Telephone: 512-258-6251

Comments: Too close to schools (ELEMENTARY)
and churches (6). Very little parking space
TRAFFIC CONGESTION. ALREADY HAVE BUS
& LIQUOR STORES WITHIN ONE MILE!
NO MORE ARE NEEDED!!

WE VOTE "No!!" THIS IS A FAMILY
NEIGHBORHOOD!

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