

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2017-0072 (12611 Hymeadow Drive Rezoning)      **Z.A.P. DATE:** July 18, 2017

**ADDRESS:** 12611 Hymeadow Drive

**DISTRICT AREA:** 6

**OWNER/APPLICANT:** Hymeadow Austin LLC (Gary K. Ferguson)

**AGENT:** Thrower Design (A. Ron Thrower)

**ZONING FROM:** GR-CO

**TO:** CS-1

**AREA:** 1.41 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant Commercial-Liquor Sales District, zoning.

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

7/18/17: Motion to close the public hearing (10-0, Y. Flores-absent); B. Greenberg-1<sup>st</sup>, B. Evans-2<sup>nd</sup>.

Motion to approve staff's recommendation of CS-1 zoning made by D. Breithaupt, A. Aguirre-2<sup>nd</sup>.

Friendly amendment to add a conditional overlay prohibiting Adult Oriented Businesses, Bail Bond Services, Pawn Shop Services and Alternative Financial Services uses made by D. King, B. Evans-2<sup>nd</sup>. Vote to accept (10-0, Y. Flores-absent)

Vote to approve amended main motion (8-1-1, J. Kiolbassa-no, B. Greenberg-abstain, Y. Flores-absent)

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a vacant retail structure. To the north, across Hymeadow Drive, there is a retail center that includes a cinema, restaurants and retail sales uses. There is a restaurant use to the south (Cover 2 Dining and Sports). The tract of land to the east is developed with a hotel (Crossland Economy Studios). The applicant is requesting to rezone the site at the southeast corner of Hymeadow Drive and U. S. Highway 183 to redevelop the building with a liquor sales/liquor store use.

The staff recommends CS-1, Commercial-Liquor Sales district, zoning for lot because the property meets the intent of CS-1 district as it is located at the intersection of a collector street and a major arterial roadway. There are existing restaurant and retail uses located to the north and south and a hotel use adjacent to the east of the site under consideration. The property takes access to the northbound service road for U.S. Highway 183.

The applicant agrees with the staff 's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Vacant Building (previously Catz Athlete Train an Indoor Sports and Recreation use)
<i>North</i>	GR	Retail Center (Lake Creek 7 Discount Cinema, Hobby Lobby, Jason's Deli, China Café, Dollar Tree, Fed Ex, 183 Grill, etc.), Restaurant (Church's Chicken)
<i>South</i>	GR, I-RR	Restaurant (Cover 2 Dining and Sports), Automotive Washing (Car Wash)
<i>East</i>	I-RR	Hotel (Crossland Economy Studios)
<i>West</i>	GR	U.S. Highway 183, Office (Summit Executive Center)

**AREA STUDY:** N/A**TIA:** Not Required**WATERSHED:** Lake Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Anderson Mill Neighborhood Association  
 Bike Austin  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Long Canyon Homeowners Association  
 Mountain Neighborhood Association (MNA)  
 Neighborhood Association of SW Williamson County  
 Northwest Austin Coalition  
 SELTEXAS  
 Sierra Club, Austin Regional Group

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2016-0009 (Rezoning Comfort Suites: 13681 North U.S. Highway 183)	GR, I-RR to GR	4/05/16: Approved staff's recommendation of GR zoning by consent (9-0, B. Evans, Y. Flores-absent); J. Kiobassa-1 <sup>st</sup> , B. Greenberg-2 <sup>nd</sup> .	5/12/16: Approved GR zoning on all 3 readings on consent (11-0); D. Zimmerman-1 <sup>st</sup> , A. Kitchen-2 <sup>nd</sup> .
C14-2012-0129 (Public Storage: 13685 North U.S. Highway 183)	GR-CO to CS	12/18/12: Approved the staff's recommendation of CS-CO zoning on consent (6-0, R. McDaniel-absent); P. Seeger-1 <sup>st</sup> , G. Rojas-2 <sup>nd</sup> .	1/17/13: Approved CS-CO zoning by consent on 1 <sup>st</sup> reading (6-0, L. Leffingwell-absent); B. Spelman-1 <sup>st</sup> , L. Morrisison-2 <sup>nd</sup> .  3/07/13: Approved CS-CO zoning by consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-06-0006 (Training Room Sports, LLP:	GR, I-RR to GR	2/21/06: Approved staff's recommendation of GR-CO, w/	3/23/06: Approved GR-CO zoning by consent (7-0); all 3

13713 Research Boulevard or 12611 Hymeadow Drive)		CO to limit site to 2,000 vtpd, by consent (8-0, T. Rabago-not yet arrived); J. Martinez-1 <sup>st</sup> , J. Pinnelli-2 <sup>nd</sup> .	readings
C14-03-0145 (Heritage Center Northwest-Block 2, Lot A: 13695 Research Boulevard)	I-RR to GR	10/28/03: Approved staff's recommendation of GR-CO zoning, w/ CO to limit site to 2,000 vtpd, by consent (8-0, J. Martinez-absent	11/20/03: Granted GR-CO (6-0, Goodman- off the dais); all 3 readings
C14-03-0104 (Maxwell Auto Group: 13573 U.S. HWY 183 North)	I-RR, SF-2, GR, CS to GR-CO	8/12/03: Approved staff's recommendation of GR-CO zoning, w/ CO to limit site to 2,000 vtpd, by consent (9-0)	9/25/03: Granted GR-CO (7-0); all 3 readings
C14-02-0196 (Woodrow Lee Subdivision Rezoning: 10117 Lake Creek Parkway)	SF-2 to GR	1/28/03: Approved GR-CO zoning, prohibit all Automotive uses [Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type)] (6-0, K. Jackson, J. Martinez -off dais, J. Donisi-absent)	2/27/03: Granted GR-CO on all 3 readings (6-0, Goodman-out of room)
C14-01-0165 (Chris D. Jones: Approximately 400 feet northeast of the intersection of Anderson Mill Road and U.S. Hwy 183 North)	CS-CO to CS-CO	12/11/01: Approved staff's recommendation of CS-CO zoning (7-0, A. Adams-absent); the CO is for the following conditions: 1) Limit the site to Convenience Storage as the only CS use, 2) Allow all LR uses with the exception of a Service Station, 3) Limit the site to a maximum building height of 45 feet, and 4) Limit the development intensity to less than 2,000 vehicle trips per day.	1/17/02: Approved CS-CO on all 3 readings (6-0, Wynn out of room)
C14-01-0155 (13553 U.S. HWY 183 North)	I-RR to GR	11/27/01: Approved staff rec. of GR-CO zoning by consent (8-0, DC- absent); CO limits the development intensity to less than 2,000 vehicle trips per day.	1/10/02: Approved GR-CO on all 3 readings (6-0, Goodman out of room).
C14-00-2105 (13581 Pond Springs Road)	I-RR to GR	7/25/00: Approved staff rec. of GR-CO w/height limit of 35 ft. (7-1, BB-Nay)	8/24/00: Approved GR-CO (7-0), all 3 readings
C14-99-0020 (Lot 1C-A, Block A, Heritage Center Northwest: 13689 Block of Research Blvd.)	I-RR to GR-CO	6/22/99: Approved CS-CO zoning (southern) and GR-CO zoning (northern) with conditions (6-0)	7/22/99: Approved PC rec. of GR-CO (6-0); 1 <sup>st</sup> reading  8/19/99: Approved GR-CO zoning with conditions for a 2,000 vtpd, no vehicular access to Pond Woods Drive, a 20 foot wide

			vegetative buffer along the easternmost property line, prohibiting Commercial Off-Street Parking, Pawn Shop Services, Cocktail Lounge, Adult Oriented Businesses, Liquor Sales, Outdoor Sports and Recreation, Outdoor Entertainment, Automotive Washing (of any type), Exterminating Services, Drop-Off Recycling Collection Facility (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
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**RELATED CASES:** C14-06-0006 (Previous Zoning Case)  
C8-94-0146.0A (Subdivision Case)  
C7A-98-011 (Annexation Case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Capital Metro (within 1/4 mile)
US Hwy 183	400 ft.	FWY 8/HOV	Freeway	No
Hymeadow Dr	70 ft.	48 ft.	Collector	No

**CITY COUNCIL DATE:** August 10, 2017

**ACTION:**

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

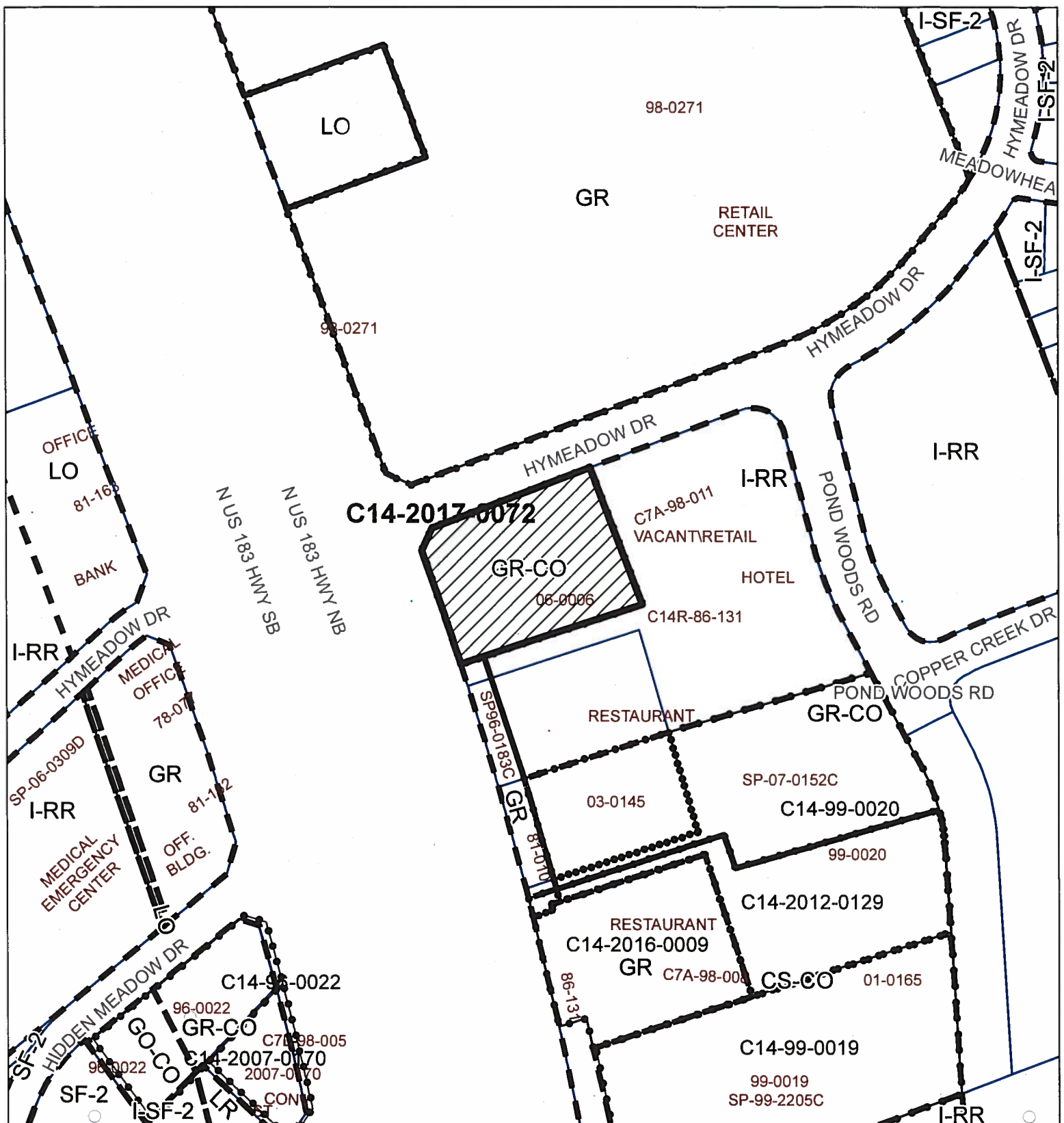
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

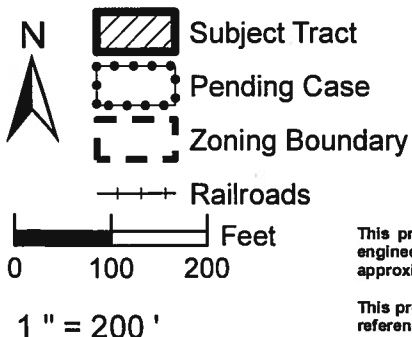
**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 512-974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



## ZONING

Case#: C14-2017-0072

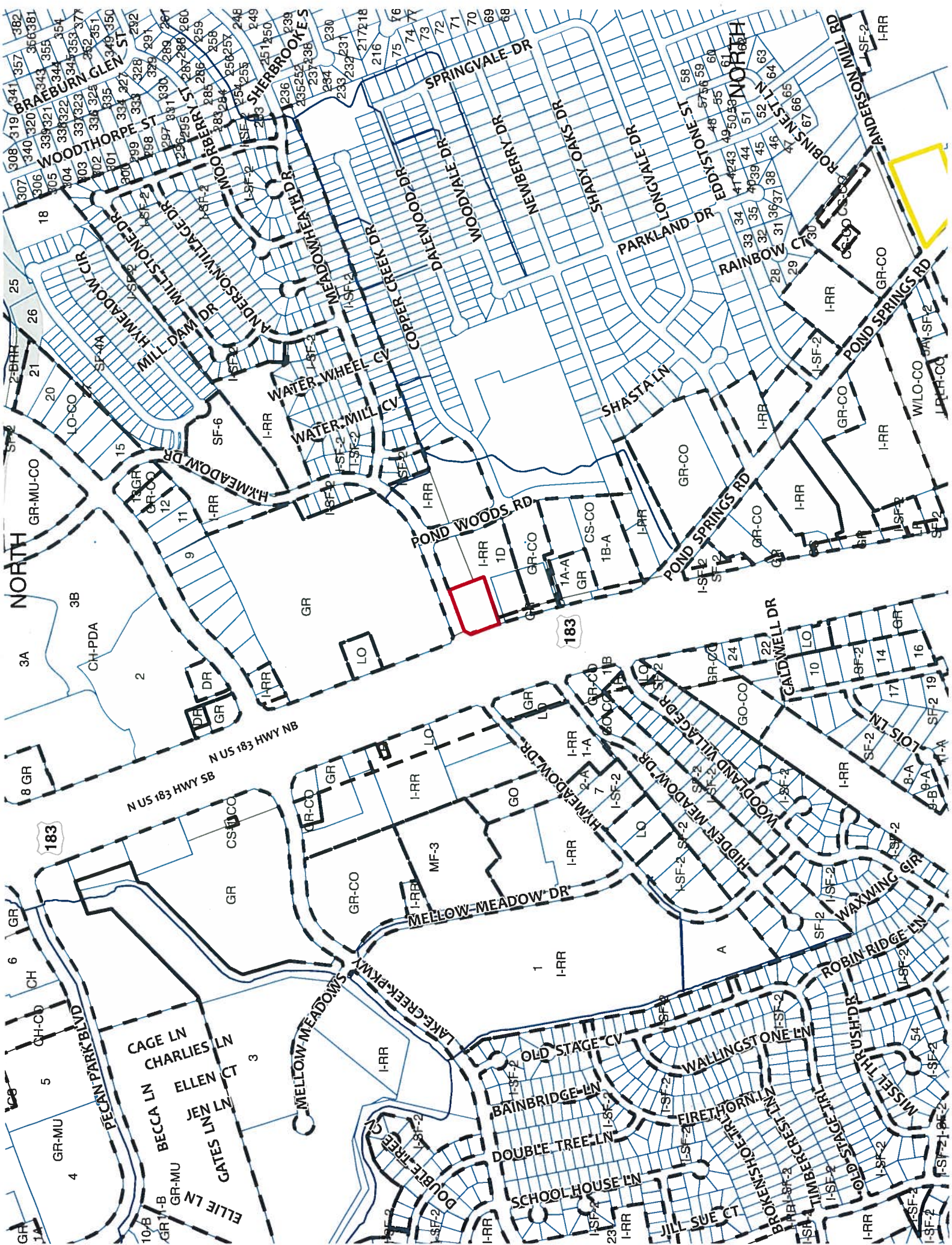


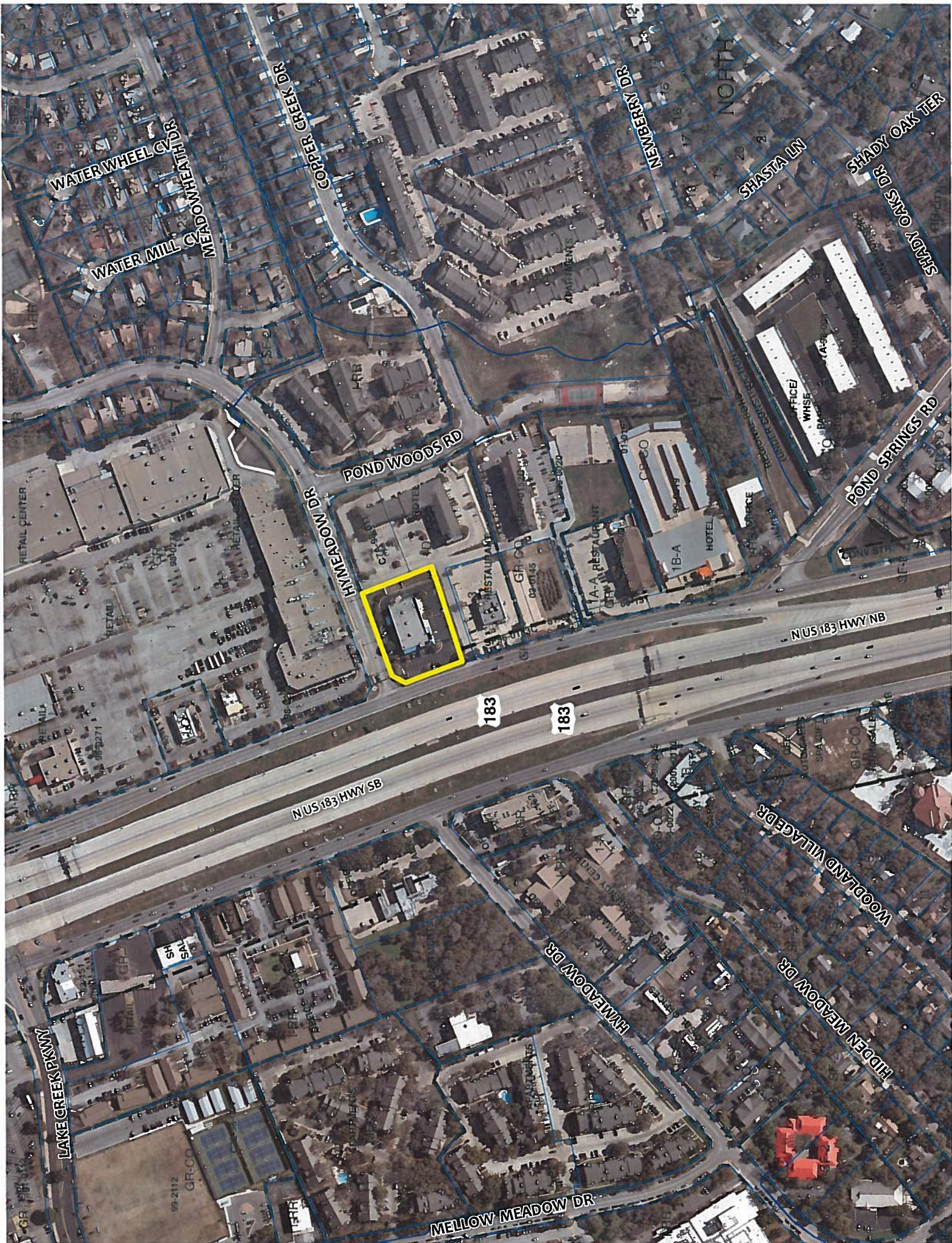
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This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 6/13/2017





## STAFF RECOMMENDATION

The staff's recommendation is to grant Commercial-Liquor Sales District, zoning.

## 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.

The property is located at the southeast corner of Hymeadow Drive and U. S. Highway 183 and fronts onto to the northbound service road for U.S. Highway 183.

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

The CS-1 zoning district would be compatible and consistent with the surrounding uses because there are existing commercial uses to the north, south and east of the proposed site. The property is located adjacent to GR zoning to the north and GR and GR-CO zoning to the south.

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

The CS-1 zoning district would allow for a fair and reasonable use of the site as it will permit the applicant to redevelop the existing vacant building with new commercial uses.

## EXISTING CONDITIONS

### Site Characteristics

The site under consideration is currently developed with a vacant retail structure that has driveway access to Hymeadow Drive and to the northbound service road for U.S. Highway 183. There are retail uses to the north of the site across Hymeadow Drive, restaurant and car wash uses to the south, and a hotel use to the east along Pond Woods Road.

### Comprehensive Planning

Tuesday, June 20, 2017

This zoning case is located on the southeast corner of Hymeadow Drive and Research Boulevard and is not located within the boundaries of a neighborhood planning area. This 1.41 acre parcel contains an existing one store commercial building. Surrounding land uses includes a shopping center to the north; a restaurant to the south; a hotel to the east; and IH 183 to the west. The proposed use is liquor sales.

### Connectivity

There are no public sidewalks located along this section of Research Boulevard but there is a public sidewalk partially along Hymeadow Drive. There are also no public transit stops within walking distance to this site. The Walkscore for this site is 60/100, meaning some errands can be accomplished on foot.

### **Imagine Austin**

Based on the comparative scale of the site relative a variety of commercial uses in this area, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

### **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.

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.

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.

The site is currently fully developed and may be over current impervious cover limits. The redevelopment exception may apply to this site.

### **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.

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**

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.

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

### **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 not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

There are existing sidewalks along Hymeadow Dr. However, there are no sidewalks along US Hwy. 183.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an Urban Trail is recommended for US Highway 183 and a Protected Bike Lane is recommended for Hymeadow Drive.

Janae Ryan, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Capital Metro (within ¼ mile)
US Hwy 183	400 ft.	FWY 8/HOV	Freeway	No
Hymeadow Dr	70 ft.	48 ft.	Collector	No

### **Water and Wastewater**

Tuesday June 13, 2017

FYI: 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, water or wastewater easements, utility relocations and or

abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permits.

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

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: C14-2017-0072

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: July 18, 2017, Zoning and Platting Commission  
August 10, 2017, City Council

Andy Patel

Your Name (please print)

13081 US Hwy 185 Austin, TX 78700

Your address(es) affected by this application

APC

Signature

7.5.17

Date

Daytime Telephone: 512-680-2185

Comments:

We are the owners of the Comfort Suites hotel and would be directly affected by this zoning change. There are 2 neighboring hotels named Crossland and WoodSpring that have negative clientele. Adding a liquor store in this location would add to the growing problems in this area

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

City of Austin  
Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810



July 18, 2017

Ms. Sherri Sirwaitis  
City of Austin - Neighborhood Planning & Zoning Department  
P.O. Box 1088  
Austin, TX 78767-1088

Re: File Number C14-2017-0072 --- Property at 12611 Hymeadow Drive

LETTER OF OPPOSITION

Dear Ms. Sirwaitis,

The Zoning Committee of the Neighborhood Association of Southwestern Williamson County (NASWC) opposes the re-zoning of this property from GR to CS-1-Commercial-Liquor Sales district.

This site is located near two extended-stay hotels, Crossland Austin-West and WoodSpring Suites. Both hotels are problematic for law enforcement, with frequent calls for APD to respond to situations. Bringing a liquor store to this site would only exacerbate and increase the problems, affecting other stores and businesses in the area, as well as our residential neighbors along Hymeadow and Meadowheath.

Additionally, if CS-1 is granted, and the liquor store either fails to materialize – or – goes out of business, CS-1 zoning would allow businesses that are more commercial/industrial than fit with other neighborhood-friendly businesses in the area (*see Attachment*). Some of the residential and treatment facilities allowed under Civic Uses are not compatible with a neighborhood where adolescents and teenagers walk to the movies, fast-food restaurants, and other activities in the shopping center across Hymeadow Drive.

Based on our concern for Liquor Sales on this property, and other CS-1 uses inappropriate to the location, we request that the Application for Rezoning this property to CS-1-Commercial-Liquor Sales district be denied.

Thank you for your consideration.

Sincerely yours,

*Cathy Mandell*  
Cathy Mandell  
NASWC Zoning

C14-2017-0072  
Attachment to Letter of Opposition – July 18, 2017  
CS-1 Uses Not Compatible with Property at 12611 Hymeadow Drive

**Commercial Uses**

Agricultural Sales and Services  
Automotive Rentals  
Automotive Sales  
Automotive Repair Services  
Campground  
Commercial Blood Plasma Center  
Drop-Off Recycling Collection Facility  
Monument Retail Sales  
Vehicle Storage

**INDUSTRIAL USES**

Custom Manufacturing  
Limited Warehousing and Distribution

**CIVIC USES:**

Congregate Living  
Family Home  
Group Home, Class I (General)  
Group Home, Class I (Limited)  
Group Home, Class II  
Guidance Services  
Residential Treatment  
Transitional Housing  
Transportation Terminal