

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2017-0114 (611 East Braker Lane)

REQUEST:

Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 611 East Braker Lane from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning.

The ordinance reflects the conditions imposed by the City Council on 1st reading.

DISTRICT AREA: 4

PROPERTY OWNER: Priesmeyer Family, LP (Victoria Priesmeyer)

AGENT: Lenworth Consulting, LLC (Nash Gonzales)

ISSUES:

The applicant met with DSD Transportation Review staff to discuss the requirement for right-of-way dedication with this rezoning case. On January 2, 2018 the staff received an email from DSD Transportation Review stating that they agree to defer the right-of-way requirement to the site plan stage of review. Therefore, ROW dedication through a street deed will not be required as part of this case.

DEPARTMENT COMMENTS:

The property in question is currently developed with a warehouse use that fronts onto East Braker Lane. The applicant is requesting CS-NP, General Commercial Services District-Neighborhood Plan Combining District, zoning to develop a limited warehousing and distribution use with additional parking on the site.

The staff is recommending CS-NP, General Commercial Services- Neighborhood Plan Combining District, zoning because the site meets the intent of the CS district as it is located in an area with many intensive commercial uses along a major arterial roadway. The tract of land to the north, across E. Braker Lane, is developed with an alternative financial services use (Speedy Cash), a service station use (Citgo), a food sales use (Texan Mart) and a restaurant use (Taqueria). The property to the south is being utilized for a construction sales and services use with outdoor building material storage. To the east, there is a retail center that contains restaurant, personal services, office, food sales and automotive rental uses. The lot to the west is developed with a general retail sales use (Dollar General). There is existing CS-CO-NP zoning to the south of the property under consideration. The North Lamar Combined Neighborhood Plan future land use map has designated this property for commercial land use (please see North Lamar Combined Neighborhood Planning Area FLUM - Attachment A). This tract of land is located on an Activity Corridor as designated on the Growth Concept Map in the Imagine Austin Comprehensive Plan.

The applicant agrees with the City Council's recommendation at 1st reading.

DATE OF FIRST READING/VOTE:

CITY COUNCIL DATE: December 7, 2017

ACTION: Approved CS-CO-NP
zoning, with conditions, on consent on
1st reading (9-0, D. Garza and E.
Troxclair-absent)

CITY COUNCIL DATE: February 1, 2018

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 512-974-3057
sherri.sirwaitis@ austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0114 (611 East Braker Lane)

P.C. DATE: October 24, 2017

ADDRESS: 611 East Braker Lane

DISTRICT AREA: 4

OWNER/APPLICANT: Priesmeyer Family, LP (Victoria Priesmeyer)

AGENT: Lenworth Consulting, LLC (Nash Gonzales)

ZONING FROM: GR-CO-NP

TO: CS-NP

AREA: 0.7410 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommends CS-NP, General Commercial Services-Neighborhood Plan Combining District, zoning.

If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of Braker Lane through a street deed prior to 3rd reading of the case at City Council in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).*

*On January 2, 2018 the staff received an email from DSD Transportation Review stating that they agree to defer the right-of-way requirement on this case to the site plan stage of review. Therefore, ROW dedication will not be required with the rezoning case.

PLANNING COMMISSION RECOMMENDATION:

10/24/17: Approved CS-CO-NP zoning, with the following conditions agreed to by the applicant and the neighborhood: Prohibit Commercial Blood Plasma Center, Drop-Off Recycling Collection Facility, Outdoor Entertainment, Transitional Housing and Transportation Terminal uses on the property, by consent,(12-0, G. Anderson-absent); N. Zaragoza-1st, P. Seeger-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a warehouse use that fronts onto East Braker Lane. The applicant is requesting CS-NP, General Commercial Services District-Neighborhood Plan Combining District, zoning to develop a limited warehousing and distribution use with additional parking on the site.

The staff is recommending CS-NP, General Commercial Services- Neighborhood Plan Combining District, zoning because the site meets the intent of the CS district as it is located in an area with many intensive commercial uses along a major arterial roadway. The tract of land to the north, across E. Braker Lane, is developed with an alternative financial services use (Speedy Cash), a service station use (Citgo), a food sales use (Texan Mart) and a restaurant use (Taqueria). The property to the south is being utilized for a construction sales and services use with outdoor building material storage. To the east, there is a retail center that contains restaurant, personal services, office, food sales and automotive rental uses. The lot to the west is developed with a general retail sales use (Dollar General). There is existing CS-CO-NP zoning to the south of the property under

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0048 (North Lamar Neighborhood Planning Area Rezoning)	To rezone Tract 6B (405 E. Braker Lane, 611 E. Braker Lane, 707 E. Braker Lane, 11202 Middle Fiskville Road and 11200 Middle Fiskville Road) from LO, GR to GR-CO- NP	5/11/10: Approved the proposed re-zonings for the North Lamar NPCD as recommended by the staff, except for following tracts: 1, 7, 8, 9, 9A, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, and 32 (8-0, J. Reddy-absent); D. Anderson-1 st , M. Dealey-2 nd .	6/24/10: Approved the North Lamar Combined Neighborhood Plan, except for tract 32 (postponed to July 29, 2010), and tracts 134 and 135B, on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Approved the North Lamar Neighborhood Plan Combining District (NP) was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
C14-2008-0017 (T & K: 11108 Georgian Drive)	LO to CS	3/25/08: To approve the staff's recommendation of CS-CO zoning, with an additional condition that upon redevelopment/any new improvements on the site the applicant will provide a dense 5- foot vegetative screen/buffer along the western property line (9-0)	4/24/08: Approved CS-CO zoning by consent (7-0); all 3 readings
C14-06-0128	GR-CO to GR-CO	8/15/2006: Approved GR-CO (7-1, C. Hammond-no), with conditions: 1) 2,000 vehicle trip per day limit; 2) Prohibit the following uses: Automotive Sales, Automotive Rentals, Automotive Washing, Restaurant (General), Bed & Breakfast (Group 1), Bed & Breakfast (Group 2), Commercial Off-Street Parking, Congregate Living, Consumer Convenience Services, Consumer Repair Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (General), Guidance Services, Hotel-Motel, Indoor Entertainment. Off-Site Accessory Parking, Outdoor	10/05/06: Approved GR-CO (7-0); all 3 readings

		Entertainment, Pawn Shop Services, Personal Improvement Services, Residential Treatment, Theater	
C14-06-0120	LO to LR	<p>9/05/06: Approved staff rec. to deny LR zoning (7-0)</p> <p>11/07/06: Approved LR-CO by consent (9-0); with conditions: 1) Prohibit the following uses: Service Station, Food Sales, Guidance Services, Business or Trade Schools, Off-Site Accessory Parking, Consumer Convenience Services, Restaurant (Limited); 2) Limited access to one driveway cut on the property</p>	<p>10/19/06: Sent case back to ZAP for additional review</p> <p>12/14/06: Approved LR-CO (6-); all 3 readings</p>
C14-01-0176	SF-3 to LO	1/22/02: Approved staff rec. of NO zoning by consent (8-0)	<p>2/28/02: Approved NO zoning (6-0); 1st reading</p> <p>3/21/02: Approved NO zoning (7-0); 2nd/3rd readings</p>
C14-01-0116	LO to CS	<p>1/22/02: Approved staff rec. of CS-CO (8-0); with following conditions: 1) Site will be subject to TIA conditions 2) Prohibit the following uses: Automotive Washing, Commercial Off-Street Parking, Convenience Storage, Equipment Sales, Funeral Services, Kennels, Outdoor Sports and Recreation, Residential Treatment, Local Utility Services, Service Station, Campground, Construction Sales and Services, Equipment Repair Services, Exterminating Services, Hotel-Motel, Laundry Services, Outdoor Entertainment, Vehicle Storage, Community Recreation (Public), Community Recreation (Private), Off-Site Accessory Parking, Drop-Off Recycling Collection Facility 3) Prohibit drive-in service as an accessory uses to commercial</p>	2/28/02: Approved CS-CO (6-0); all 3 readings

		uses within the area generally described as being 1,150 feet west and parallel to the east property line.	
C14-00-2162	LO to LR	11/14/00: Approved LR-CO (8-0); with the following conditions: Consumer Repair use as only LR use with all other LO uses and LO site development standards	12/14/00: Approved LR-CO zoning (7-0), with rollback to LO is current use ceases for more than 90 days; 1 st reading only 2/08/01: Approved LR zoning with conditions (6-0); 2 nd /3 rd readings
C14-99-0021	CS to CS-MU	3/16/99: Approved staff rec. of CS-MU-CO by consent (7-0); with conditions: 1) 2,000 vehicle trip per day limit.	4/15/99: Approved PC rec. of CS-MU-CO (7-0); all 3 readings

RELATED CASES: C14-2010-0048 (North Lamar Combined Neighborhood Plan Rezonings)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Braker Lane	~88'	~60'	MAD 6 - AMATP	Yes	Yes	Yes

CITY COUNCIL DATE: December 7, 2017

ACTION: Approved CS-CO-NP zoning, with conditions, on consent on 1st reading (9-0, D. Garza and E. Troxclair-absent)

February 1, 2017

ACTION:

ORDINANCE READINGS: 1st

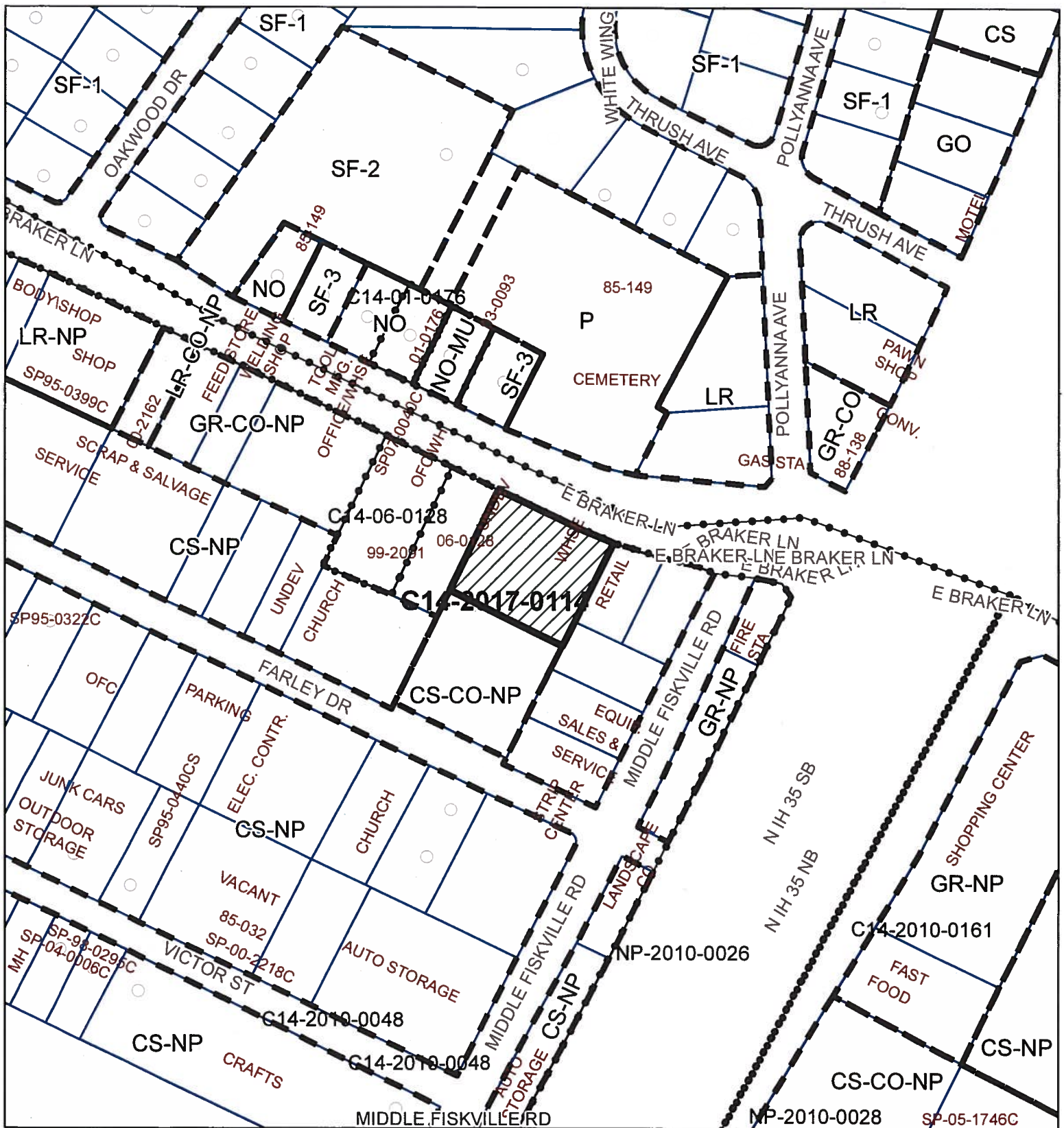
2nd

3rd

ORDINANCE NUMBER:

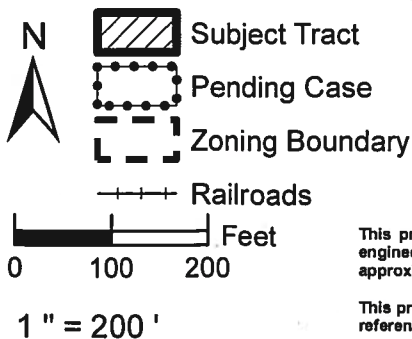
CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057
sherri.sirwaitis@austintexas.gov



ZONING

Case#: C14-2017-0114



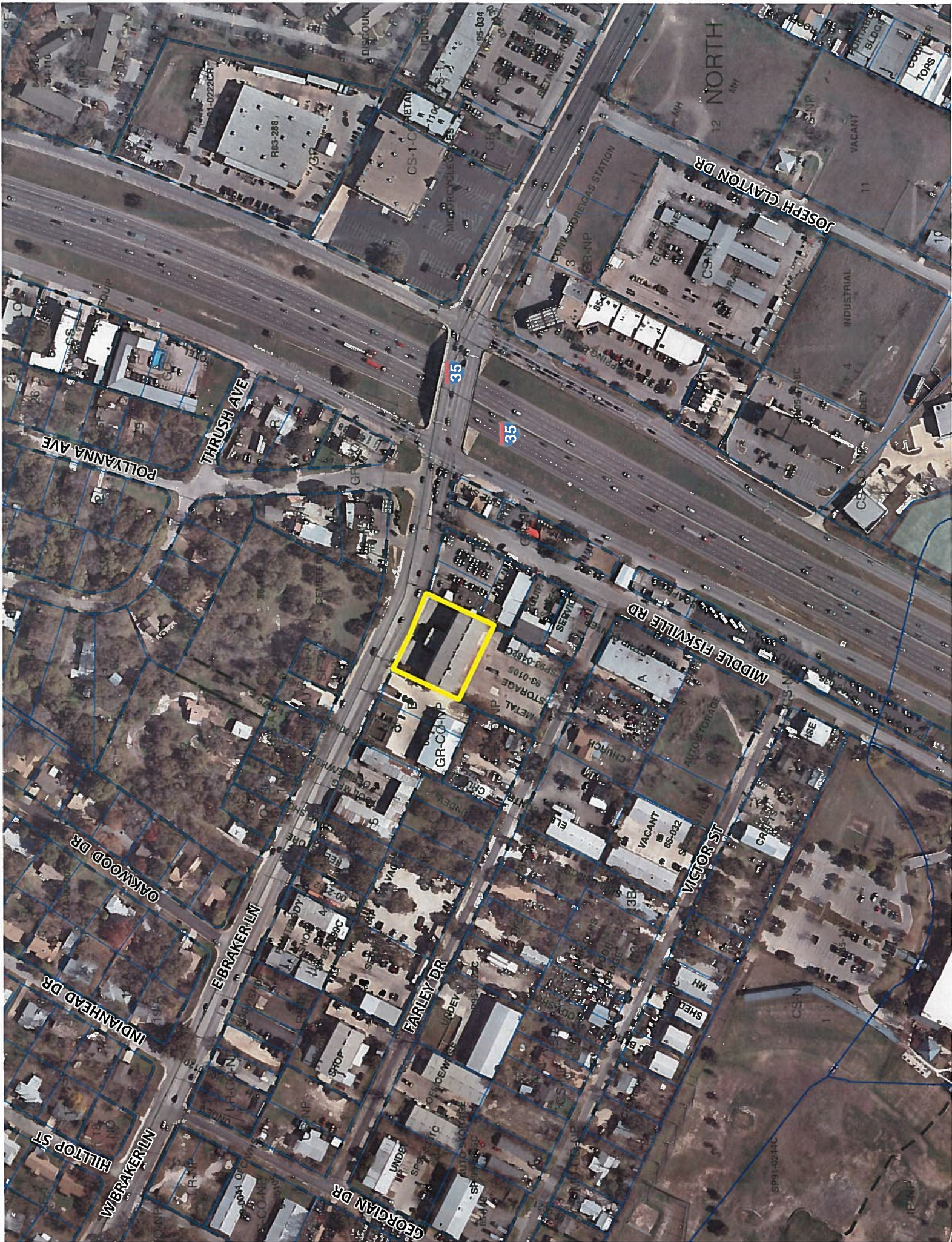
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This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 9/1/2017





STAFF RECOMMENDATION

The staff recommends CS-NP, General Commercial Services-Neighborhood Plan Combining District, zoning.

If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of Braker Lane through a street deed prior to 3rd reading of the case at City Council in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

BASIS FOR RECOMMENDATION

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

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

The purpose of the NP is to allow infill development by implementing a neighborhood plan that has been adopted by Council as an amendment to the City's Comprehensive Plan.

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

The property in question is adjacent to existing commercial uses to the north, south, east and west. There is currently CS-CO-NP zoning to the south of the site and GR-CO-NP zoning to the east and west.

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

The CS zoning district would allow for a fair and reasonable use of the site. The proposed zoning would permit the owner to redevelop this tract of land with more intensive commercial uses fronting onto an arterial roadway (Braker Lane) and located along an Activity Corridor as designated on the Growth Concept Map in the Imagine Austin Comprehensive Plan.

CS zoning is appropriate for this location because of the commercial and industrial character of the area.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with a warehouse use. The tract of land to the north, across E. Braker Lane, is contains an alternative financial services use (Speedy Cash), a service station use (Citgo), a food sales use (Texan Mart) and a restaurant use (Taqueria). The property to the south is being utilized for a construction sales and services use with outdoor building material storage. To the east, there is a retail center that contains restaurant (Taqueria La Montana), personal services (Premier Salon #1, Star Nails), office (Top Wireless Solutions, Global Travel Tour Agency), food sales (Oriental Grocery and Bakery) and automotive rental uses (Enterprise Car Rental). The lot to the west is developed with a general retail sales use (Dollar General).

Comprehensive Planning

This zoning case is located on the south side of E. Braker Lane, on 0.74 acre parcel, which contains a building material warehouse. The property is located within the boundaries of the North Lamar/Georgian Acres Combined NPA, in the North Lamar Planning Area. Surrounding land uses includes a vacant land and retail uses the north; a bus depot and commercial uses to the south; a small retail shopping center to the east; and retail to the west. The proposed use is a warehouse/distribution center.

Connectivity

There is a public sidewalk located on both sides of E. Braker Lane, and a Cap Metro transit stop within walking distance from this property. The Walkscore for this property is 54/100, Somewhat Walkable, meaning some errands may be accomplished on foot.

North Lamar/Georgian Acres Combined Neighborhood Plan (NLCNP)

The NLCNP Future Land Use Map (FLUM) designates this property as Commercial and Zone CS is allowed under this FLUM category. The Commercial FLUM category is defined as lots or parcels containing retail sales, services, hotels, hotel/motels and all recreational services that are predominantly privately owned and operated for profit.

The following text and policies are taken from the NLCNP and pertain to this case:

Preserve the commercial/industrial area in the northeastern corner of the NLCNPA. (p. 84)

Although there are a few houses interspersed throughout the area, the northeastern corner of the NLCNPA is primarily a commercial district. Its relative separation from nearby residences makes this location ideal for the types of businesses currently operating—auto repair, storage, a major manufacturing facility (Golfsmith), and a variety of retail outlets and services.

Objective L.9: Create a node of commercial activity in the far northeastern corner of the NLCNPA. (p. 84)

Recommendation 140: Apply the commercial and neighborhood commercial future land use designations to the northeastern portion of the NLCNPA.

The NLCNP appears to both acknowledge and support the existing commercial uses located in the northeast corner of the planning area, including storage and manufacturing.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an **Activity Corridor**. **Activity Corridors** are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The following Imagine Austin policies are applicable to this request:

- **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 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 upon this property being situated along an **Activity Corridor** as designated on the Growth Concept Map, which supports a variety of commercial uses; and NLCNP, which acknowledges the existing commercial uses in this area, this project appears to be supported by Imagine Austin.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site 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 CS zoning district would be 95%. However, if 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 (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

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

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.

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

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for Braker Lane. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of Braker Lane in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).*

*On January 2, 2018 the staff received an email from DSD Transportation Review stating that they agree to defer the right-of-way requirement on this case to the site plan stage of review. Therefore, ROW dedication will not be required with the rezoning case.

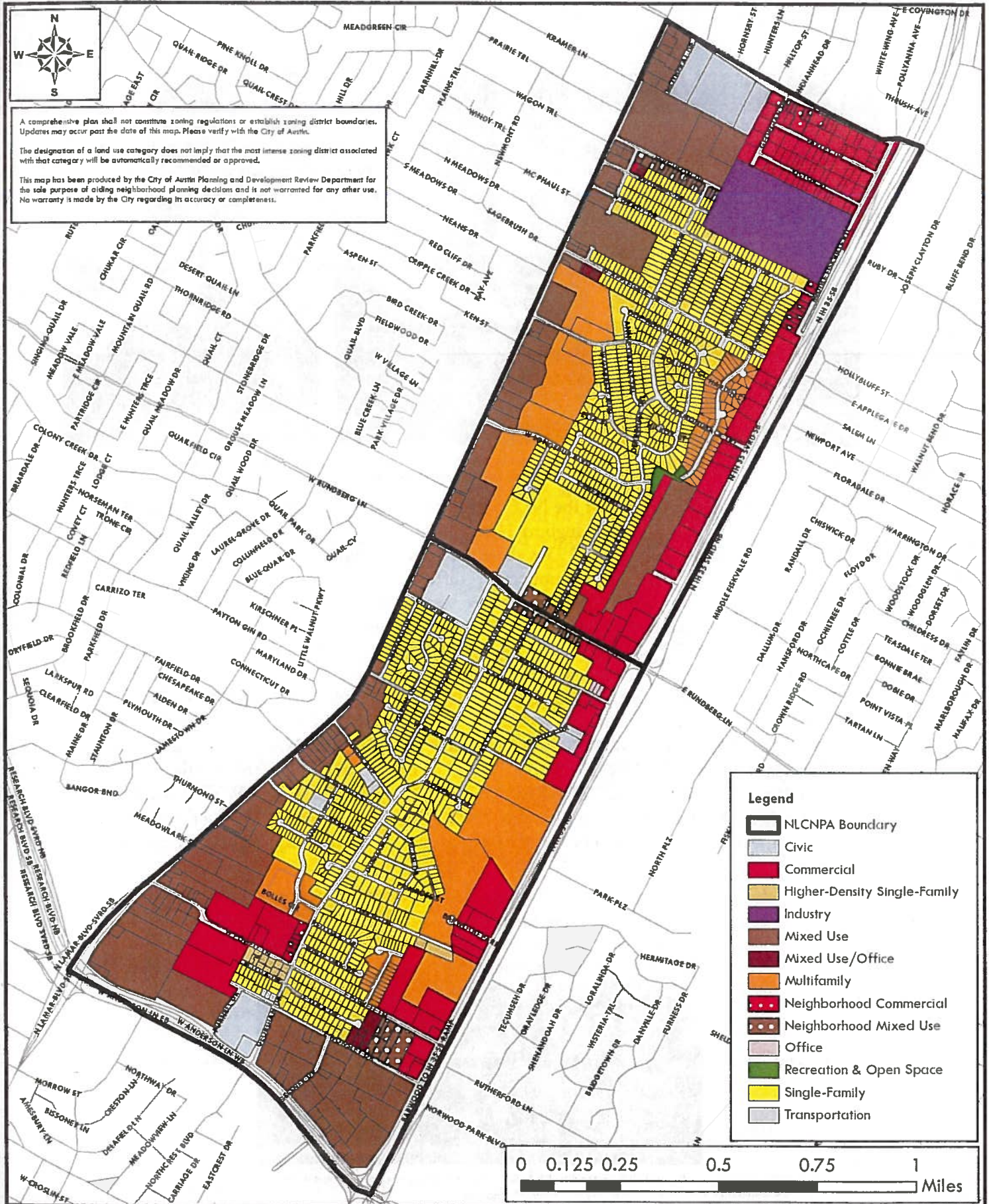
Comment cleared. No limitation needed based on ITE generated numbers.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Braker Lane	~88'	~60'	MAD 6 - AMATP	Yes	Yes	Yes

Water and Wastewater

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.



North Lamar Combined Neighborhood Planning Area Future Land Use Map