

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0078 (Zips Cleaners Burnet Road)

P.C. DATE: October 23, 2018

ADDRESS: 8105 Burnet Road

DISTRICT AREA: 7

OWNER/APPLICANT: Smithers Family Partnership

AGENT: Armbrust & Brown, PLLC (G. Ferris Clements)

ZONING FROM: GR-NP

TO: CS-NP

AREA: 0.5739 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit the following uses on the property: Construction Sales and Services, Pawn Shop Services, Vehicle Storage, Bail Bond Services, Commercial Blood Plasma Center, Exterminating Services and Kennels.

PLANNING COMMISSION RECOMMENDATION:

11/23/18: Approved staff's recommendation of CS-MU-CO-NP zoning by consent (10-0, A. De Hoyos Hart-absent, F. Kazi-arrived late); P. Seeger-1st, C. Kenny-2nd.

DEPARTMENT COMMENTS:

The property in question is a developed lot located at the southeast intersection of Teakwood Drive and Burnet Road. The site has a vacant structure that formerly contained a personal services use (Darque Tan tanning salon) and a billboard sign. The property to the north is zoned GR-NP and is developed with a retail center with a general retail sales-general use (Teakwood Retail Center: Primatives Furniture). To the south, there is GR-NP zoning and a restaurant use (Bill Miller's Barbeque). To the east, there is SF-3-NP zoning and single family residential neighborhood. Across Burnet Road to the west, there is a CS zoned tract that is developed with an automotive sales use (Subaru of Austin). The applicant is requesting to rezone the site under consideration to CS-NP to redevelop the existing structure with a laundry services use/dry cleaners.

The property is located within the Crestview/Wooten Neighborhood Planning area. The current land use on the future land use map is Mixed Use and the proposed land use is Mixed Use so a plan amendment is not required.

The staff supports CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District zoning because the site meets the intent of the CS district as it is an existing commercial building fronting a major arterial roadway, Burnet Road. The site under consideration is surrounded by commercial zoning/restaurant and retail uses to the north, south and west and is consistent with the current development in the area. Burnet Road is designated as an "Activity Corridor" in the Imagine Austin Comprehensive Plan. The proposed conditional overlay will prohibit the more intensive uses in the CS district adjacent to the single family residences to the east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-NP	Vacant Building (former Darque Tan), Billboard Sign
<i>North</i>	GR-NP	General Retail Sales (Teakwood Retail Center: Primitives Furniture)
<i>South</i>	GR-NP	Restaurant (Bill Miller Bar-be-que)
<i>East</i>	SF-3-NP	Single Family Residences
<i>West</i>	CS	Automotive Sales Use (Austin Subaru)

AREA STUDY: Crestview/Wooten Neighborhood Planning Area**TIA:** Deferred**WATERSHED:** Shoal Creek**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 North Austin Neighborhood Alliance
 North Shoal Creek Neighborhood Association
 North Shoal Creek Neighborhood Planning Area-COA Liaison
 NW Austin Neighbors
 SELTEXAS
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 Wooten Neighborhood Association
 Wooten Neighborhood Plan Contact Team

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0132 (Calvin's Liquor)	CS to CS-1	11/10/15: Approved staff's recommendation for CS-1-CO zoning on consent (11-0); N. Zaragoza-1 st , P. Seeger-2 nd .	12/10/15: Approved CS-1-CO zoning on all 3 readings (9-1, O. Houston-No, S. Adler-absent); D. Zimmerman-1 st , D. Garza-2 nd .
C14-04-0004 Crestview/ Wooten Neighborhood Plan	MF-3, LO, LO-CO, LR, GR, GR-CO, CS, CS-1, CS-1-CO, LI to SF-3-NP,	2/10/04: Approved staff rec. of NP (6-0)	4/01/04: Approved as granted on 1 st reading (6-0) 4/15/04: Approved 2 nd /3 rd readings

Combining District	MF-3-NP, LO-NP, LO-CO-NP, LO-MU-NP, LO-MU-CO-NP, LR-MU-CO-NP, GR-NP, GR-CO-NP, GR-MU-CO-NP, CS-NP, CS-CO-NP, CS-MU-CO-NP, CS-1-CO-NP, CS-1-MU-CO-NP, P-NP		
C14-03-0002 (9325 Burnet Road)	LI to CS	3/26/03: Recommended for approval by consent, with the addition of the following restrictions added to staff's proposed conditional overlay for this case: 1) Use of the property as an adult bookstore shall be restricted to not more than 7,500 square feet of gross floor area and 2) Use of the property as an adult arcade, adult cabaret, adult lounge, adult novelty shop, adult service business and adult theater is prohibited. Vote: 7-0 (Off Dais: Pratt, Absent: Spelman.); M. Armstrong-1 st , M. Casias-2 nd .	6/05/03: Granted CS-CO on all 3 readings (7-0)
C14-01-0037 (North Austin Civic Association Neighborhood Plan)	MF-2, SF-2, SF-3 to NO-NP MF-2, LO, MF-3, CS to GR-NP CS, SF-3 to P-NP	4/17/01: Approved Staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0); with 25 foot vegetative buffer on south boundary of Tract 19	5/24/01: Approved PC rec. on all three readings, except for Tract 9-1 st reading only (6-0) 8/9/01: Approved CS-NP for Tract 9 (7-0); 2 nd /3 rd readings

RELATED CASES: Crestview/Wooten Neighborhood Plan

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Teakwood Drive	64'	50'	Local	No	No	Yes
Burnet Road	130'	57'	MAD 4 -Arterial	Yes	Yes, Protected Bike Lane	Yes

CITY COUNCIL DATE: November 29, 2018

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



N



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

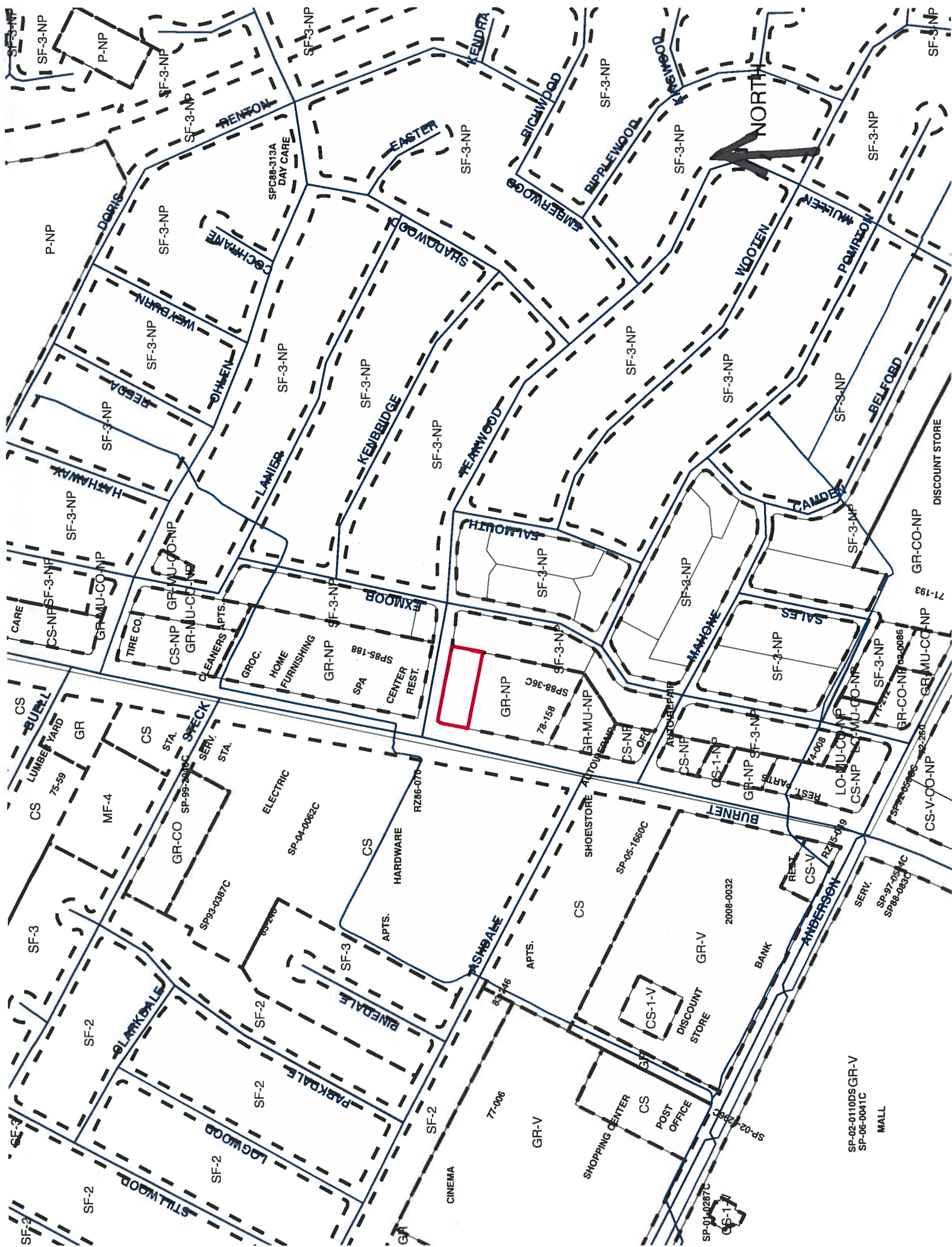
Zoning Case C14-2018-0078

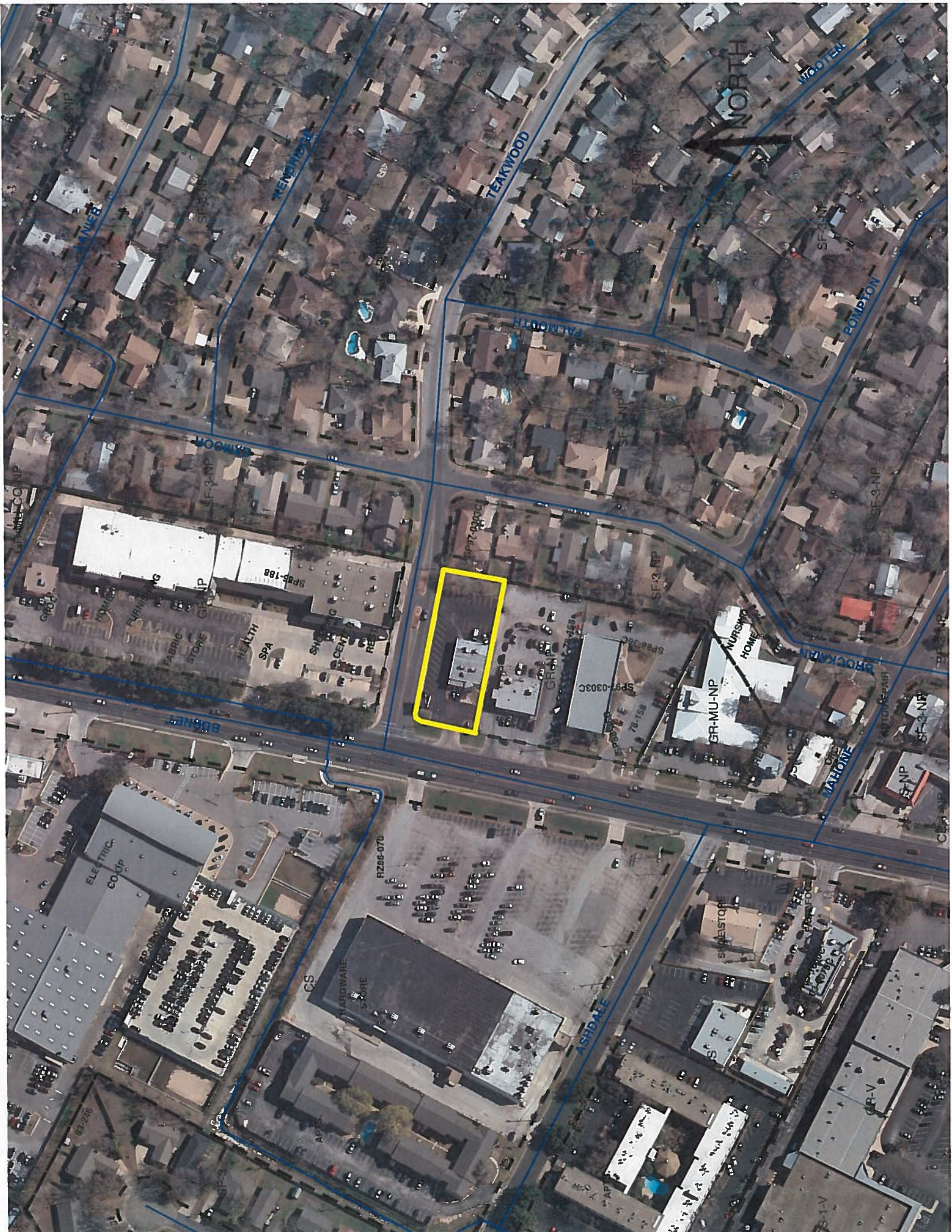
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This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 200'





LANIER

YENWORTH

TEAKWOOD

NORTH

WOOLLEN

POMPTON

BRONCK

BRONCK

BRONCK

MAHONEY

ASHDALE

SP87-0303C

SP87-0303C

GR-MU-NP

NURSING HOME

SF-3-NP

SF-3-NP

SF-3-NP

SF-3-NP

SF-3-NP

SF-3-NP

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STAFF RECOMMENDATION

The staff's recommendation is to grant CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit the following uses on the property: Construction Sales and Services, Pawn Shop Services, Vehicle Storage, Bail Bond Services, Commercial Blood Plasma Center, Exterminating Services and Kennels.

BASIS FOR RECOMMENDATION

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

General commercial services (CS) 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.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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

The CS-MU-CO-NP zoning district would be compatible and consistent with the surrounding uses because there is CS and GR zoning and existing commercial uses surrounding the proposed site to the north, south and west.

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

The CS-MU-CO-NP zoning district would allow for a fair and reasonable use of the site as it would permit the applicant to redevelop the property with a use that would provide services to the neighborhood area to the east. CS-MU-CO-NP zoning is appropriate for this location because of the commercial character of the area. The property is located along an Activity Corridor as designated by the Imagine Austin Comprehensive Plan.

EXISTING CONDITIONS

Site Characteristics

The subject tract is a developed lot located at the southeast intersection of Teakwood Drive and Burnet Road. The site has a vacant structure that formerly contained a personal services use (Darque Tan tanning salon) and a billboard sign.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Comprehensive Planning

Monday July 23, 2018

This zoning case is located on the southeast corner side of Burnet Road and Teakwood Drive, on a 0.57 acre lot that contains a one story building, which was a tanning salon. The subject property is located within the boundaries of the Crestview/Wooten Combined Neighborhood Planning Area, in

the Wooten NP. Surrounding land uses includes a large furniture store, retail uses, restaurants, and single family housing to the north; a motorcycle dealer, retail uses, a nursing home, restaurants, and single family housing to the south; single family housing to the east; and two auto dealerships, several restaurants, retail uses and single family housing to the west. The proposed use is a laundry service.

Connectivity

Public sidewalks and bike lanes are located on both sides of Burnet Road, and a CapMetro transit stop is located within 200 ft. of this property. The Walkscore for this location is **69/100, Somewhat Walkable**, meaning some errands can be accomplished on foot and there a few public transit options nearby. There are no existing urban trails within a mile of this location.

Crestview/Wooten Combined Neighborhood Planning Area (CWCNP)

The CWCNP Future Land Use Plan identifies this portion of the planning area as Mixed Use, which allows zone CS in this future land use category. Mixed Use is defined as an area that is intended for a mix of residential and non-residential uses, including office, retail and commercial services.

The CWCNP policies and text below are applicable to this case.

Goal 5: Promote enhancement of major corridors by encouraging better quality and a mix of neighborhood serving development and redevelopment and discouraging strip development. (p. 24)

Land Use Objective 2: Encourage the development of neighborhood-serving commercial and mixed use on Anderson Lane and Burnet Road. (p. 26)

Text: Both Anderson Lane and Burnet Road are nearly fully developed as commercial corridors. The types of commercial uses vary widely, including numerous auto sale and service establishments and multi-tenant shopping centers. Care should be taken to ensure that redevelopment serves to strengthen these two retail corridors and maintain their utility as shopping districts. The neighborhood generally agrees that mixed-use development is acceptable on Anderson and Burnet.

Excerpt: The existing zoning on the corridors is generally appropriate, but land area intensive. Auto-related uses should be limited to help maintain the retail viability of both corridors.

Recommendations: (p. 27)

4. Discourage additional commercial uses from “creeping” away from the commercial corridors onto residential streets.
5. Add a conditional overlay to properties on Anderson Lane and Burnet Road south of Anderson limiting automotive & equipment related uses and uses (such as pawn shops) that may make the commercial areas appear blighted.

The proposed neighborhood serving commercial use appears to support the policies and text the CWCNP.

Imagine Austin

The property is located along an '**Activity Corridor**', (Burnet Road) which are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following IACP policies are also relevant to this case:

- ☐ **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 comparable scale of this site relative to other neighborhood serving retail and commercial uses along Burnet Road, and being located along an Imagine Austin Corridor, this project appears to support the Imagine Austin Plan.

Environmental

Monday July 23, 2018

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a Critical Water Quality Zone 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 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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

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.

Fire

Tuesday July 17, 2018

Provide AFD with the type and quantity of dry cleaning chemicals to be used/stored.

Monday, September 24, 2018

The applicant has provided the requested information to AFD and the comments have been cleared.

Impervious Cover

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

Zoning district impervious cover limits apply in the Urban Watershed classification.

Site Plan

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

Compatibility Standards

The site is subject to compatibility standards along the eastern property line:

- ☐ No structure may be built within 25 feet of the property line.
- ☐ No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- ☐ No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- ☐ No parking or driveways are allowed within 25 feet of the property line.
- ☐ A landscape area at least 25 feet wide is required along the eastern property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

Additional right-of-way maybe required at the time of subdivision and/or site plan.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a Protected Bike Lane is recommended for Burnet Road. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Teakwood Drive	64'	50'	Local	No	No	Yes
Burnet Road	130'	57'	MAD 4	Yes	Yes	Yes

FYI – the existing driveways and sidewalks along Burnet Rd. may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

Water and Wastewater

Wednesday July 11, 2018

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 Austin Water 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.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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July 10, 2018

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: Rezoning of 8105 Burnet Road (0.5739 acre) (the "Application")

Dear Mr. Guernsey:

This firm represents and this letter is submitted on behalf of the Applicant for the above referenced Application. The area to be rezoned is comprised of a 0.5739 acre tract of land located at 8105 Burnet Road (the "Property").

The Property is zoned Community Commercial – Neighborhood Plan (GR-NP) and its current use is a tanning salon. The request is to rezone the Property from GR- NP to CS-NP to allow for on-site dry cleaning services. The proposed project would be requesting access to Burnet Road and Teakwood Drive.

A Traffic Impact Analysis (TIA) has been waived since the proposed project will not exceed the allowable threshold established in the Land Development Code. The TIA Determination signed by Amber Mitchell on July 5, 2018 is included in the submittal package.

Thank you in advance for your time and consideration of this zoning request. If you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2337.

Respectfully,

ARMBRUST & BROWN, PLLC
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ARMBRUST & BROWN, PLLC



G. Ferris Clements

cc: Sherri Sirwaitis, City of Austin
David B. Armbrust, Armbrust & Brown
Jason Fritz, Zips Dry Cleaners