

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2018-0132 (C&T Shops Suite M Rezoning)

**Z.A.P. DATE:** December 18, 2018

**ADDRESS:** 1200 West Howard Lane

**DISTRICT AREA:** 7

**OWNER/APPLICANT:** C & T Shops on Howard Lane, Ltd (Jeffrey Kissel)

**AGENT:** Land Answers, Inc. (Jim Wittliff)

**ZONING FROM:** CS-CO

**TO:** CS-1

**AREA:** 0.027 acres (1,182 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant the applicant's request for CS-1 (Commercial Liquor Sales) zoning.

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

12/18/18: Motion to approve the staff's recommendation of CS-1 zoning by consent (6-0-1, N. Barerra-Ramirez-abstain; D. Breithaupt, S. Lavani and A. Tatkow-absent).

### **DEPARTMENT COMMENTS:**

The property in question is currently a vacant suite located within an existing retail shopping center (The Shops at Howard Lane). To the north there is a cemetery. The land to the east is developed with industrial warehouses, with a large driveway, parking area, and detention channel. To the south there is a gas station with a convenience store (Citgo) and a restaurant use (Wings & More). The applicant plans to develop a Liquor Sales use/store on this site within this approved commercial center.

The staff recommends the applicant's request for a footprint of CS-1 zoning because the property in question meets the intent of the Commercial-Liquor Sales District as it is part of a larger tract at the northeast corner of two arterial roadways, West Howard Lane and Interstate Highway-35 North. The proposed CS-1 zoning will be surrounded by commercial uses in an existing developed retail shopping center. It will access W. Howard Lane, a designated Activity Corridor in the Imagine Austin Comprehensive Plan.

The applicant agrees with the staff recommendation.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>  |
|--------------|---------------|---|
| <i>Site</i>  | CS-CO         | Commercial Retail Shopping Center (The Shops at Howard Lane: Charm Korean BBQ, Ka-Prow Thai Sushi, Forsaken Tattoos, Thirsty Turtle, Golden Daisy Massage, Hey Elotesh Fruit Cups & More, State Farm Insurance, etc.) |
| <i>North</i> | CS-CO, SF-2   | Retail, Cemetery  |
| <i>South</i> | CS-CO, GR-CO  | Parking for Retail Center, Gas Station/Convenience Store (Citgo), Restaurant (Wings & More)   |
| <i>East</i>  | CS-CO         | Commercial Retail, Industrial Warehouses  |
| <i>West</i>  | CS-CO, GR-CO  | Commercial Retail Shopping Center   |

**AREA STUDY:** N/A**TIA:** N/A**WATERSHED:** Walnut Creek**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Bike Austin  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 North Growth Corridor Alliance  
 Pflugerville Independent School District  
 Sierra Club, Austin Regional Group  
 SELTEXAS  
 Yager Planning Area

**CASE HISTORIES:**

| <b>NUMBER</b>   | <b>REQUEST</b>                               | <b>COMMISSION</b>   | <b>CITY COUNCIL</b>  |
|---|--|---|--|
| C14-04-0073<br>(1200 West Howard Lane)                        | CS-CO to CS-1                                | 7/20/04: Approved staff's recommendation of CS-1 zoning by consent (8-0, J. Pinnelli-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .    | 8/26/04: Approved CS-1 zoning (7-0); all 3 readings                              |
| C14-02-0111<br>(Shops on Howard Lane: West Howard Lane)       | Tract 1: GR-CO to GR<br>Tract 2: CS-CO to CS | 10/15/02: Approved staff's recommendation of GR-CO; CS-CO zoning with added condition to prohibit Automotive Sales; by consent (7-0, D. Castaneda-absent) | 12/5/02: Granted GR-CO for Tract 1 and CS-CO for Tract 2 on all 3 readings (7-0) |
| C14-00-2099<br>(Scofield Ranch Retail: N I-35 at Dessau Road) | SF-2, GR to CS                               | 10/17/00: Approved staff rec. of CS-CO; with no adult oriented businesses (8-0)   | 12/14/00: Approved CS-CO w/additional prohibited uses (7-0); all 3 readings      |

|  |            |   |   |
|--|------------|---|---|
| C14-95-0112<br>(Metro Mart:<br>1210 Block<br>of Dessau<br>Road)                            |            | 10/24/95: Approved GR-CO<br>and CS-CO with conditions<br>(8-0)  | 11/02/95: Approved GR-CO &<br>CS-CO (6-0); all 3 readings   |
| C14-98-0212<br>(Howard<br>Route Service<br>Center: 1120<br>W. Howard<br>Lane)              | I-RR to CS | 12/15/98: Approved GR-CO<br>w/conditions for front to match<br>existing GR and CS-CO for<br>remainder of property, prohibit<br>auto repair and auto washing<br>except for on-site tenants (5-2,<br>GW/DS-Nay) | 1/14/99: Approved PC rec. of GR-<br>CO w/ conditions 97-0); 1 <sup>st</sup><br>reading<br><br>4/15/99: Approved CS-CO w/<br>conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings |
| C14-96-0131<br>(Strasberger<br>Enterprises<br>Zoning:<br>13609 I-35<br>Service Road<br>NB) | SF-2 to GR | 12/10/96: Approved staff rec.<br>of GR (9-0)  | 1/9/97: Approved GR-CO w/<br>conditions (7-0); 1 <sup>st</sup> reading<br><br>3/20/97: Approved GR-CO w/<br>conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings                 |
| C14-93-0047<br>(Barr<br>Subdivision:<br>N I-35<br>Service Road<br>NB at Dessau<br>Road)    | SF-2 to CS | 4/27/93: Approved GR-CO<br>(6-0) on   | 5/6/93: Approved GR-CO and<br>CS-CO w/conditions (6-0); 1 <sup>st</sup><br>reading<br><br>6/17/93: Approved GR-CO and<br>CS-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings         |

**RELATED CASES:**

C14-04-0073 & C14-02-0111 (Previous Zoning Cases)

**ABUTTING STREETS:**

| NAME           | ROW    | PAVEMENT         | CLASSIFICATION | SIDEWALKS | BICYCLE<br>ROUTE       | CAPITAL<br>METRO<br>(within ¼ mile) |
|----------------|--------|------------------|----------------|-----------|------------------------|-------------------------------------|
| IH 35          | 308 ft | 260 ft<br>28 ft* | Freeway        | No        | Yes,<br>shared lane    | No                                  |
| Howard<br>Lane | 123 ft | 50 ft            | Arterial       | Yes       | Yes, wide<br>curb lane | Yes, Routes 1<br>and 325            |

**CITY COUNCIL DATE:** January 31, 2018

**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)

## **STAFF RECOMMENDATION**

The staff's recommendation is to grant the applicant's request for CS-1 (Commercial Liquor Sales) zoning.

## **BASIS FOR RECOMMENDATION**

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

The CS-1 zoning district is intended for the development of a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

- 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 is CS-CO zoning surrounding this footprint area to the north, south, east and west.

- 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. CS-1 zoning is appropriate for this location because of the commercial and industrial character of the area.

- 4. 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 is located at the northeast intersection of Interstate Highway 35 and Howard Lane, a major arterial roadway and designated Activity Corridor.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site in question is a vacant suite located in commercial retail center (The Shops at Howard Lane). To the north there is a cemetery. To the east there are industrial warehouses, with a large driveway, parking area, and detention channel. To the south there is a gas station with a convenience store (Citgo) and a restaurant use (Wings and More).

### **Comprehensive Planning**

Tuesday October 23, 2018

This zoning case is located on the north side of West Howard Lane, and more specifically a 1,182 sq. ft. retail bay, which is part of larger parcel that contains a small shopping center with a variety of retail uses. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a cemetery and furniture store to the north; to the south are a variety of retail uses including a big box home improvement store; to the east are retail/commercial uses and a multifamily apartment complex; and to the west are light industrial, retail and auto services uses. The proposed use is liquor sales.

### **Connectivity**

The site has an existing public sidewalk along West Howard Lane but not along the frontage road of IH35, which is problematic to walk along due to the large multilane entrance into this shopping center along a heavily traveled intersection. There are no public transit stops, bike lanes, or urban trails in the area. The Walkscore for this site is **45/100, Car Dependent**, meaning some errands may be accomplished on foot. A CapMetro transit stop is located in front of the property. The mobility options in this area are below average.

### **Imagine Austin**

The Imagine Austin Growth Concept Map **identifies this property as being by the boundaries the Tech Ridge Neighborhood Center and by the W Howard Lane Activity Corridor**. A

Neighborhood Center is the smallest and least intense of the three types of activity centers identified on the Growth Concept Map. Neighborhood Centers are intended to have a local focus, including doctors and dentist offices, retail shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses to serve the center and surrounding neighborhoods. Activity Corridors are characterized by a variety of activities and buildings, which 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 relevant to this case:

Based upon other large commercial, retail and light industrial uses in the area, including the existing shopping center, and the project being situated along an Activity Corridor and by a Neighborhood Center, which supports a variety of commercial uses, this project appears to support the Imagine Austin Comprehensive Plan.

### **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 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 Net Site Area</i> | <i>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family<br>(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.

### **Environmental**

Tuesday October 30, 2018

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.

No trees are located on this property. 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.

### **Site Plan**

Monday October 29, 2018

GIS and Ordinance No. 021205-Z-6 indicate that the site is currently in the CS-CO zone.

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.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the northerly property line, the following standards apply:

- ☐ 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 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.
- ☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-2 property.
- ☐ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

### **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**

This site is subject to the Traffic Impact Analysis approved with Shops on Howard Lane (C14-02-0111). The site shall demonstrate compliance with the TIA at the time of the site plan application.

The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for IH 35. With the approval of the Texas Department of Transportation, 200 feet of right-of-way from the existing centerline should be dedicated and/or reserved for IH 35 according to the Transportation Plan at the time of the subdivision and/or site plan application, whichever comes first. [LDC 25-6-51 and 25-6-55].

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

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

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November of 2014, a protected bike lane is recommended for Howard Lane and an urban trail is recommended for IH 35. 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.

FYI – the existing driveways and sidewalks along Howard Lane and IH 35 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.

FYI – sidewalks shall be constructed according to City of Austin standards along IH 35 at the time of the site plan application.

Existing Street Characteristics:

| NAME        | ROW    | PAVEMENT         | CLASSIFICATION | SIDEWALKS | BICYCLE ROUTE          | CAPITAL METRO<br>(within ¼ mile) |
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| IH 35       | 308 ft | 260 ft<br>28 ft* | Freeway        | No        | Yes,<br>shared lane    | No                               |
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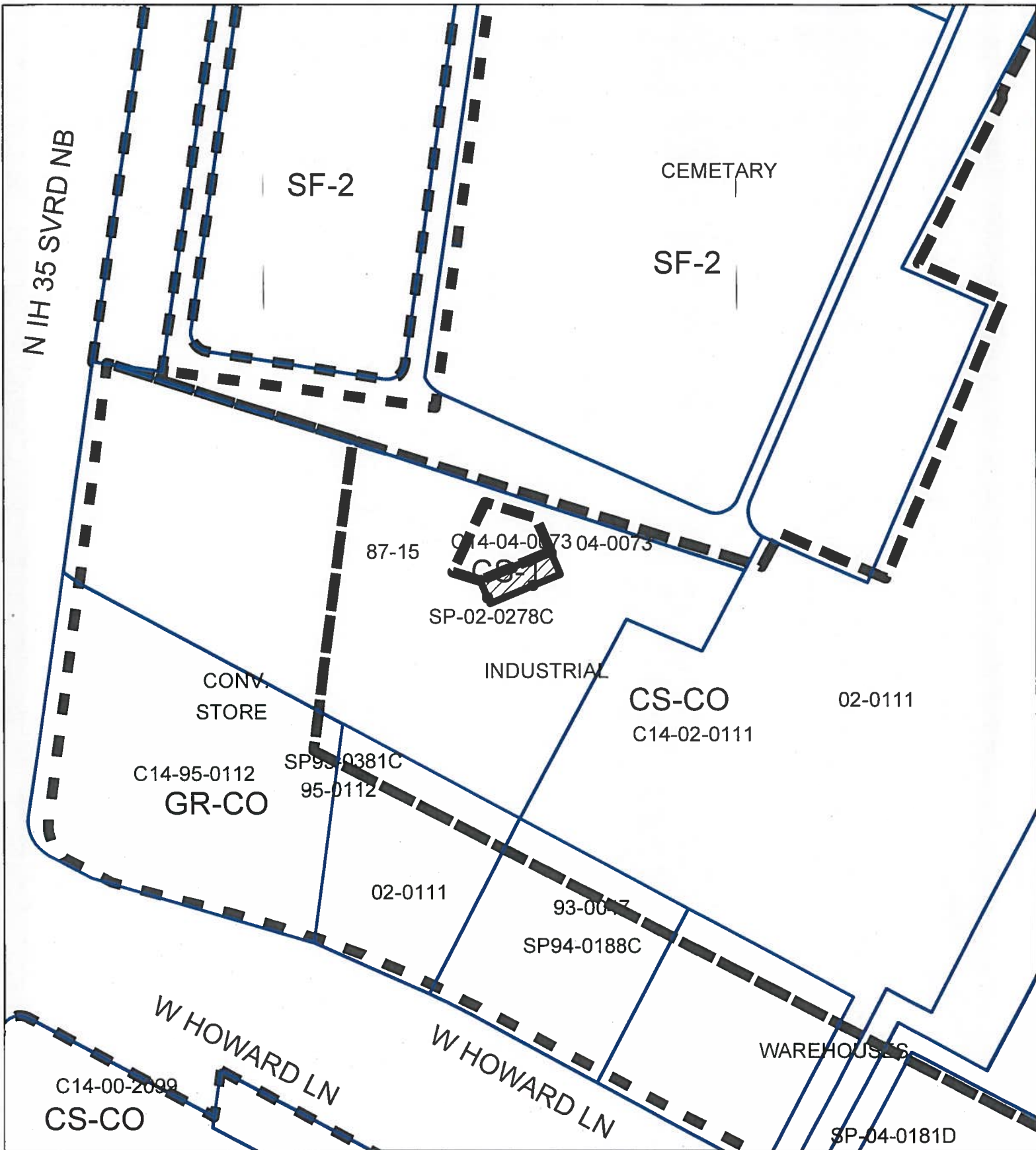
\* Frontage road only




### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water utility. The plan must be in accordance with the City's utility design criteria. The utility construction must be inspected by the City.

The landowner must pay all City required utility plan review and inspections fees. Also, 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.





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### ZONING

ZONING CASE#: C14-2018-0132

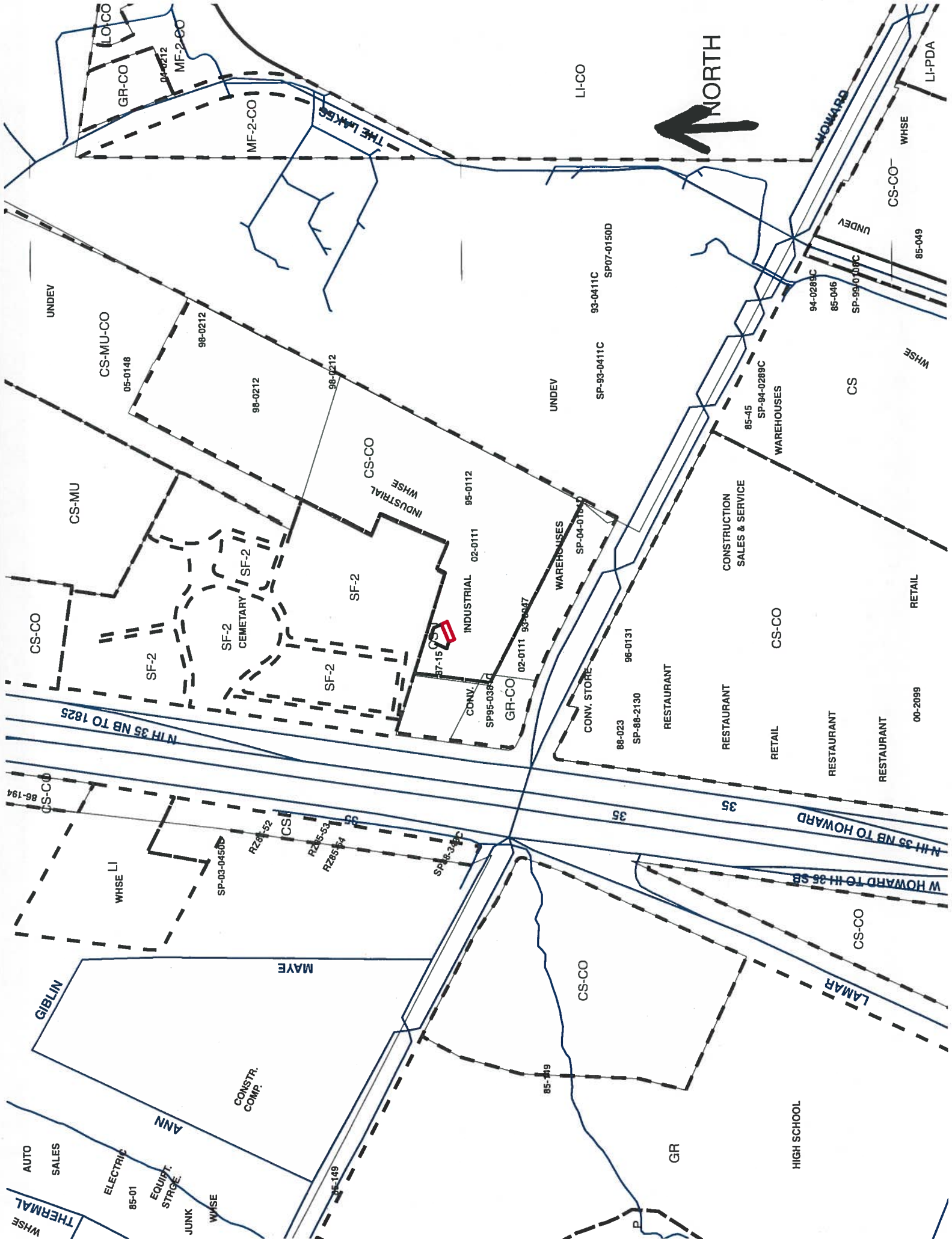
1" = 100'

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.

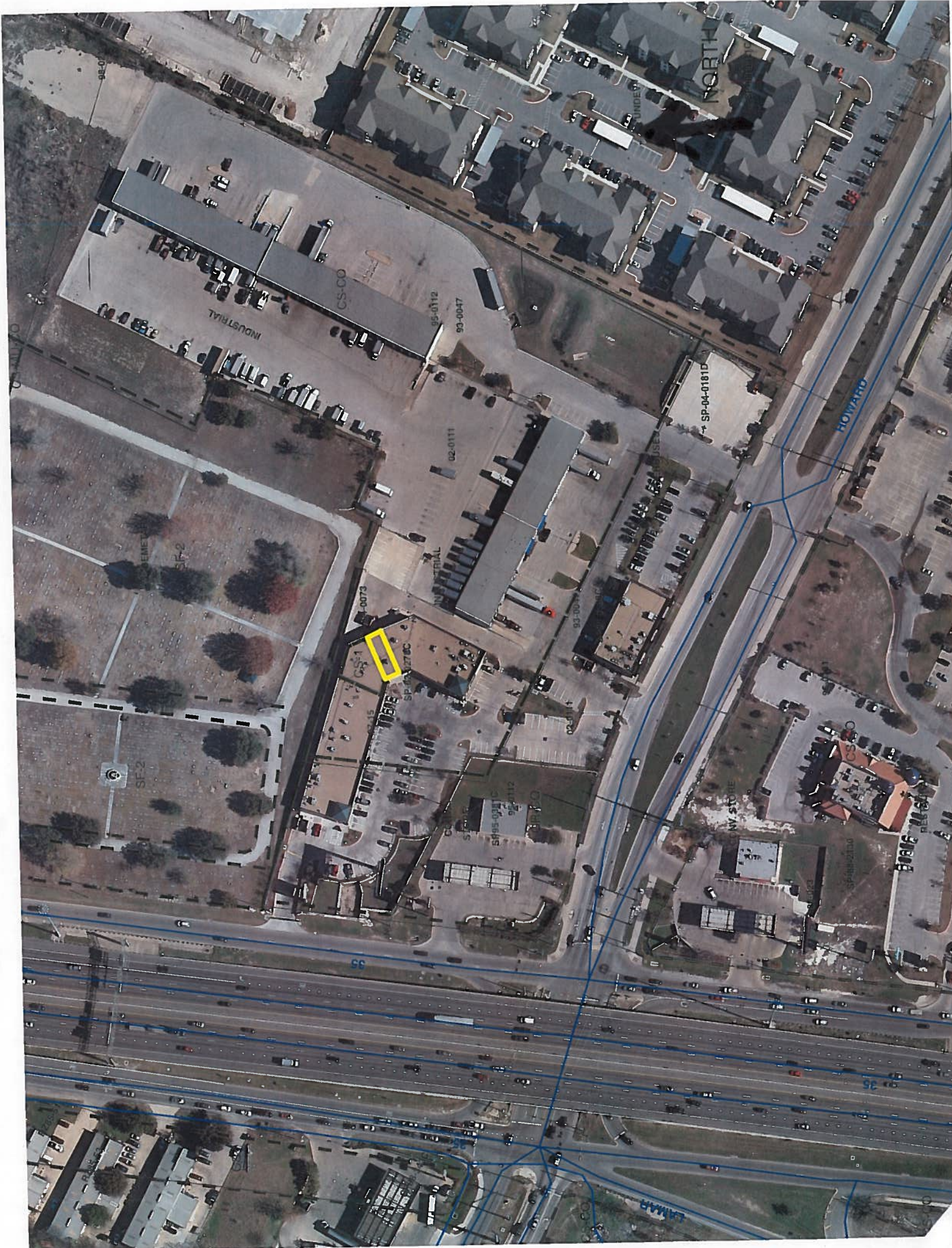
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 10/22/2018









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

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

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November of 2014, a protected bike lane is recommended for Howard Lane and an urban trail is recommended for IH 35. 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.

FYI – the existing driveways and sidewalks along Howard Lane and IH 35 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.

FYI – sidewalks shall be constructed according to City of Austin standards along IH 35 at the time of the site plan application.

Existing Street Characteristics:

| NAME        | ROW    | PAVEMENT         | CLASSIFICATION | SIDEWALKS | BICYCLE ROUTE          | CAPITAL METRO<br>(within ¼ mile) |
|-------------|--------|------------------|----------------|-----------|------------------------|----------------------------------|
| IH 35       | 308 ft | 260 ft<br>28 ft* | Freeway        | No        | Yes,<br>shared lane    | No                               |
| Howard Lane | 123 ft | 50 ft            | Arterial       | Yes       | Yes, wide<br>curb lane | Yes, Routes 1<br>and 325         |

\* Frontage road only

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water utility. The plan must be in accordance with the City's utility design criteria. The utility construction must be inspected by the City.

The landowner must pay all City required utility plan review and inspections fees. Also, 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.