



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-5
AGENDA DATE: Thu 03/04/2004
PAGE: 1 of 1

SUBJECT: C14-03-0181 - Graffiti's Deli - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2401 West Howard Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: Lester H. Craver. Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps). City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0181

Z.A.P. DATE: February 3, 2003

ADDRESS: 2401 West Howard Lane

OWNER/APPLICANT: Lester H. Craver

AGENT: Lopez-Phelps & Associates
(Amelia Lopez-Phelps)

ZONING FROM: GR

TO: CS-1

AREA: 0.36 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

2/3/04: Approved staff recommendation of CS-1-CO zoning, with a 2,000 vehicle trip limit per day (9-0); K. Jackson-1st, J. Cortez-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a restaurant/bar. The applicant is requesting to rezone the property because the primary use on the site has become alcohol sales. The property owner would like to bring the current bar (cocktail lounge) use into conformance with the City of Austin Land Development Code regulations.

The staff is recommending CS-1-CO zoning for this site because the property is surrounded by commercial and industrial uses. In addition, the property fronts onto and will take access from Howard Lane, an arterial roadway. The proposed zoning for the property under consideration is consistent with the purpose statement of the CS-1 zoning district designation and is accordance with the future land use plan from the North Lamar Area Study.

The applicant agrees with the staff recommendation.

ISSUES:

There is an existing day care structure located across Howard Lane, to the northwest of the proposed site. This structure is currently vacant. However, if this building is ever utilized for a day care facility again, then the applicant may have to request a waiver from the City of Austin to comply with adopted state regulations because the proposed cocktail lounge use appears to be less than 300 feet from the day care structure.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Restaurant/Bar
<i>North</i>	County	Construction Sales and Services (Air & Heating Repair Service)
<i>South</i>	CS	Undeveloped
<i>East</i>	GR	Undeveloped, Manufactured Home
<i>West</i>	CS	Tree Service

AREA STUDY: North Lamar Area Study**TIA:** Waived**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

- 52 - Northwood Neighborhood Association
- 64 - River Oaks Lakes Estates Neighborhood Association
- 114 - North Growth Corridor Alliance

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0093	GR to CS-CO	7/10/01: Approved staff's rec. of CS-CO district zoning, adding the conditions to prohibit adult oriented uses and to require on-site detention (7-0, Cravey-off dias, Heimsath-absent).	8/9/01: Approved Planning Commission rec. of CS-CO (7-0); 1 st reading only 9/27/01: Approved CS-CO (7-0); 2 nd /3 rd readings
C14-00-2205	GR to LI	12/5/00: Approved staff rec. of CS-CO (as amended by applicant) by consent (8-0); conditions as follows: 1) Height limit of 40 feet 2) Prohibit Adult Oriented Businesses 3) 2,000 vehicle trip per day limit	1/18/01: Approved CS-CO w/conditions; (6-0); all 3 readings
C14-00-2179	IP to SF-2, SF-3, MF-1	10/17/00: Approved staff rec. of SF-2 (TR1), SF-3 (TR 2), and MF-1 (TR3) by consent (8-0)	11/30/00: Approved SF-2-CO (TR1), SF-3-CO (TR2); MF-1-CO (TR3) w/condition of 2,000 vehicle trip per day limit (7-0); all 3 readings
C14-99-2128	GR, CS to P	1/25/00: Approved 'P' zoning by consent (8-0)	3/2/00: Approved PC rec. of 'P' zoning (7-0); 1 st reading 3/30/00: Approved 2 nd /3 rd readings (6-0)
C14-97-0094	CS to CS-MU	8/26/97: Approved CS-MU (9-0)	9/4/97: Approved CS-MU (5-0); all 3 readings

C14-93-0068	R&D, LR to SF-6, MF-1	8/31/93: Approved SF-6-CO, MF-1, and RR (7-0)	10/7/93: Approved SF-6-CO, MF-1, and RR; 1 st reading 12/16/93: Approved SF-6-CO, MF-1, and RR (6-0); 2 nd /3 rd readings
-------------	-----------------------	---	---

RELATED CASES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Howard Lane	90'	30'	Arterial	18,158
Thomas Sinclair Blvd.	80'	55'	Collector	N/A

CITY COUNCIL DATE: March 4, 2004

ACTION:

ORDINANCE READINGS: 1st

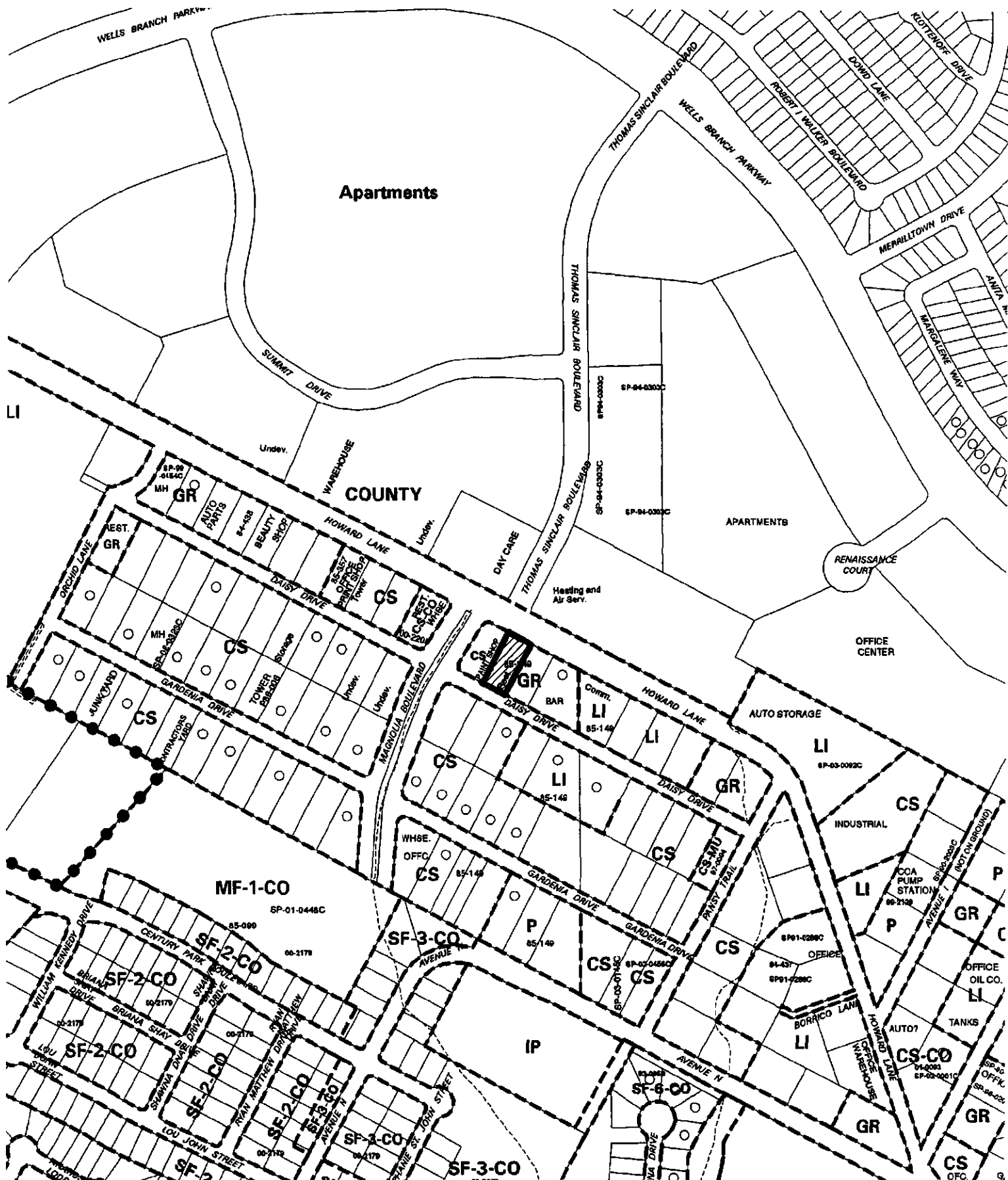
2nd





3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

PHONE: 974-3057,
sherri.gager@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-03-0181 ADDRESS: 2401 W HOWARD LANE SUBJECT AREA (acres): 0.360		DATE: 03-12 INTLS: SM	CITY GRID REFERENCE NUMBER L36
	PENDING CASE 				
	ZONING BOUNDARY 				
	CASE MGR: S. GAGER				

STAFF RECOMMENDATION

The staff recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BACKGROUND

The property in question is developed with a restaurant/bar. The applicant is requesting to rezone the property because the primary use on the site has become alcohol sales. The property owner would like to bring the current bar (cocktail lounge) use into conformance with the City of Austin Land Development Code regulations.

The staff is recommending CS-1-CO zoning for this site because the property is surrounded by commercial and industrial uses. In addition, the property fronts onto and will take access from Howard Lane, an arterial roadway. The proposed zoning for the property under consideration is consistent with the purpose statement of the CS-1 zoning district designation and is accordance with the future land use plan from the North Lamar Area Study.

The applicant agrees with the staff recommendation.

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.

The property in question fronts onto and will take access from a major arterial roadway, Howard Lane.

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

The site under consideration is located adjacent to existing commercial and industrial uses. There is CS zoning to the south and west and GR and LI zoning to the east of the subject tract.

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

The CS-1-CO zoning district would allow for a fair and reasonable use of the site because the property in question meets the minimum lot requirements for the proposed zoning designation.

The CS-1-CO zoning is appropriate for this location because of the frontage of this property on an arterial roadway. The proposed CS-1-CO zoning area is surrounded by commercial and industrial uses.

The applicant's request is consistent with the commercial land use designation for this property in the North Lamar Area Study.

EXISTING CONDITIONS

Site Characteristics

The site in question is developed with a restaurant with a small outdoor deck. The property has a large parking area to the west of the existing structure.

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 (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's 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.

According to flood plain maps, there is no flood plain in, or within close proximity of, 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.

At this time, site-specific information is unavailable regarding existing trees and 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 on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals, which preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 3,234 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

There is no bus or bicycle route within ½ mile of the subject tract.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Howard Lane	90'	30'	Arterial	18,158
Thomas Sinclair Blvd.	80'	55'	Collector	N/A

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements or system upgrades 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.

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.

Compatibility Standards

No comments.



APPROVAL OF MINUTES

2. Approve Zoning and Platting Commission minutes for January 6, 2004 and January 20, 2004.

APPROVED JANUARY 6, 2004 AND JANUARY 20, 2004 MINUTES; BY CONSENT.

JANUARY 6, 2004 – [J.M; J.G 2ND] (9-0)

JANUARY 20, 2004 – [J.M; J.G 2ND] (6-0-3) K.J; C.H; J.C – ABSTAINED

DISCUSSION AND ACTION ON ZONING CASES**CONTINUED CASES**

3. C14-03-0147 – RICH RETAIL CENTER, By: Mickey Rich Plumbing and Heating, Inc. (Mickey Rich), Land Answers (Jim Wittliff), 8700 Block of South 1st Street. (Slaughter Creek). **FROM DR TO GR. AMENDED TO: SF-6 (TRACT 1); GR-CO (TRACT 2). ALTERNATE RECOMMENDATION: GR-MU (TRACT 1); LR-MU (TRACT 2); SF-6 (TRACT 3). City Staff: Wendy Walsh, 974-7719. POSTPONED FROM 12-16 (STAFF/APPLICANT), 01-20 (APPLICANT).**

[REFER TO ATTACHMENT AS MODIFIED BY THE ZONING AND PLATTING COMMISSION; WITH DIMENSIONS]

APPROVED SF-6 FOR TRACT 1 (L-SHAPED AND ADJACENT TO THE EXISTING SINGLE-FAMILY RESIDENCES AND DUPLEXES); AND LR FOR TRACT 2 (GENERALLY L-SHAPED WITH FRONTAGE ON SOUTH FIRST STREET AND ALSO ALONG THE COMMON DRIVEWAY ON THE SOUTH PROPERTY LINE), WITH THE CONDITIONS OF THE T.I.A MEMORANDUM.

[B.B, MWH 2ND] (9-0)

NEW CASES

4. C14-03-0181 – LESTER H. CRAVER, By: Lopez-Phelps & Associates (Amelia Lopez-Phelps), 2401 Howard Lane. (Walnut Creek). **FROM GR TO CS-1. ALTERNATE RECOMMENDATION: CS-1-CO. City Staff: Sherri Gager, 974-3057.**

APPROVED STAFF RECOMMENDATION OF CS-1-CO ZONING; WITH A 2000 VEHICLE TRIP LIMIT PER DAY.

[K.J; J.C 2ND] (9-0)