

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 04/22/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0032 - Davenport Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3801 North Capitol of Texas Highway (Lake Austin Watershed) from commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: D.V. Partners Ltd. (Robbie Mayfield). Agent: Lopez-Phelps and Assoc. (Amelia Lopez-Phelps). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guemsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0032

Z.A.P. DATE: April 6, 2004

C.C. DATE: April 22, 2004

ADDRESS: 3801 N. Capitol of Texas Hwy

OWNERS: D.V. Partners Ltd.

AGENT: Lopez-Phelps & Assoc.

ZONING FROM: CS-1-CO

TO: GR-CO

AREA: .137 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to GR-CO, Community Commercial-Conditional Overlay district zoning. The CO will prohibit uses further described in the Issues section below.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 6, 2004 – Approved staff recommendation of GR-CO, Community Commercial-Conditional Overlay district zoning (Vote: 7-0, K. Jackson – absent).

ISSUES:

This case is related to case C14-04-0031, where the request is to rezone from I-GR to CS-1-CO. Both tracts are a part of the Davenport Village Shopping Center. According to the applicant, the owner wishes to change the location of an existing liquor store to another section of the shopping center. However, there is an agreement that was entered into by the owner to not have more than one liquor store. Therefore, the applicant is requesting to down zone the subject tract and up zone another tract (C14-04-0031) to CS-1-CO (see map). All conditions that have been imposed on the remainder of the shopping center will apply. The following uses are currently prohibited:

Automotive rental	Automotive repair services
Automotive sales	Automotive washing (of any type)
Business or trade school	Commercial off-street parking
Drop-off recycling facility	Exterminating services
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Outdoor sports and recreation	Pawn shop services
Service station	Bed and Breakfasts
Theater	College and University facilities
Community recreation public	Private primary educational facilities
Private secondary educational facilities	Public primary educational facilities
Public secondary educational facilities	Residential treatment
Telecommunications tower	Drive through as an accessory use

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-1	Davenport Village Shopping Center
<i>North</i>	RR	Condominiums
<i>South</i>	SF-1, RR	Single Family
<i>East</i>	RR, SF-1	Single Family
<i>West</i>	Loop 360	

AREA STUDY: N/A**TIA:** N/A**WATERSHED:** Lake Austin**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

#348 – Davenport Ranch Master Neighborhood Association
 #434 – Lake Austin Business Owners
 #511 – Austin Neighborhoods Council
 #605 – City of Rollingwood

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-98-0124	I-LO to GR-CO	Approved GR-CO. The CO prohibits auto rentals, auto repair, auto sales, auto washing, business or tradeschool, commercial off-street parking, drop off recycling, exterminating services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, outdoor sports and recreation, service station, bed and breakfasts, theater, college and university facilities, community recreation public, private primary educational facilities, private secondary educational facilities, public secondary educational facilities, private primary educational facilities, residential treatment, telecommunications tower, drive through as an accessory use (Vote: 6-0-1). 5/25/99	Approved PC recommendation (Vote: 6-1). 8/26/99.
C14-02-2080	GR to CS-1	Approved CS-CO. The CO prohibits adult businesses,	Approved PC recommendation (Vote: 7-0). 8/30/00

		agricultural sales and services, art and craft studio general, building maintenance services, campground, cocktail lounge, blood plasma center, construction sales and services, convenience storage, electronic prototype assembly, equipment repair services, equipment sales, kennels, laundry services, vehicle storage, veterinary services, custom manufacturing, limited warehousing, maintenance and service facilities, transitional housing, transportation terminal (Vote: 9- 0), 6/27/00	
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ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Capital of Texas Highway	300'	2@40'	Major Arterial	N/A
Westlake Drive	90'	Varies	Collector	N/A
Long Champ Drive	90'	2@30'	Collector	N/A

CITY COUNCIL DATE: April 22, 2004

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

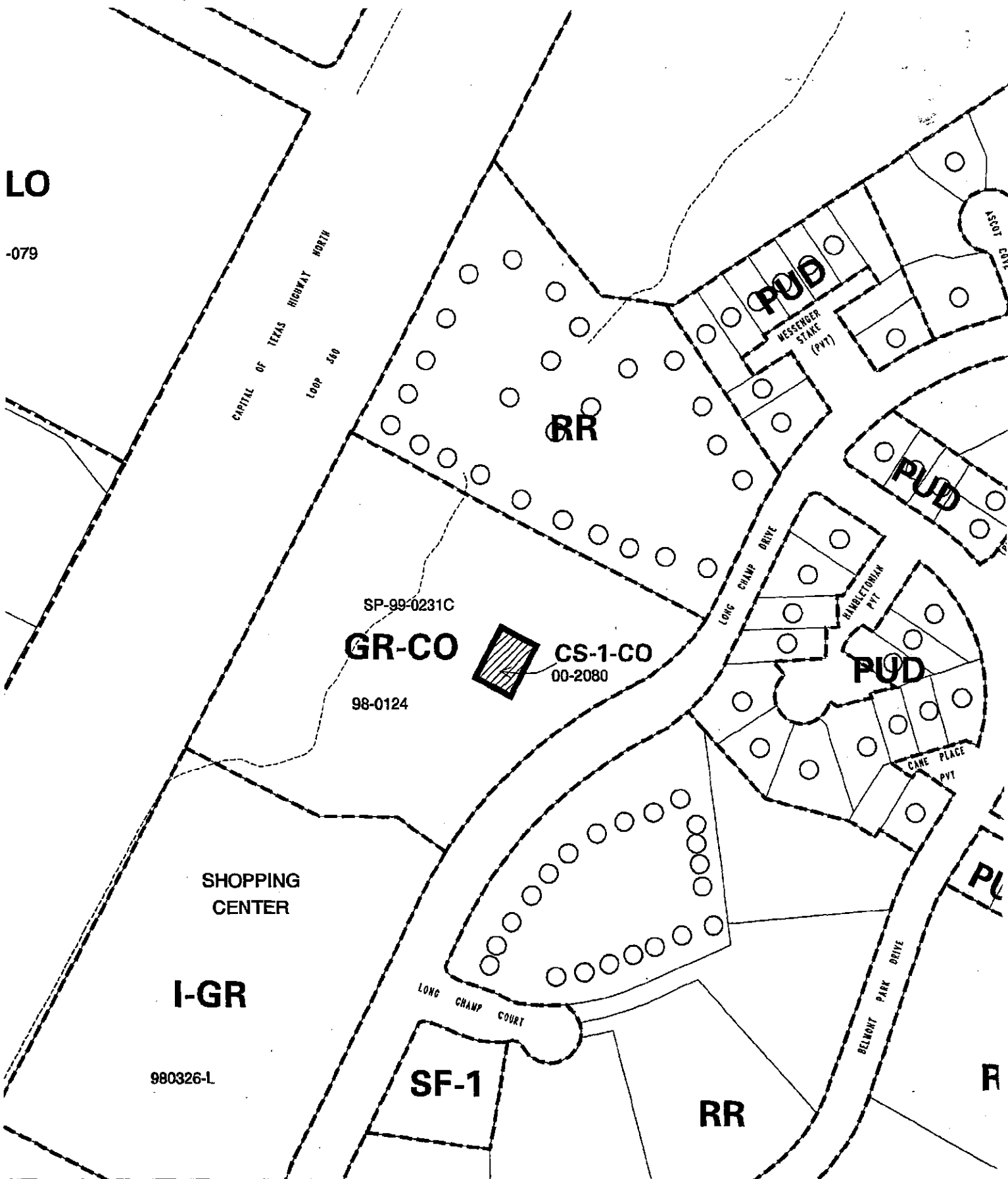
ORDINANCE NUMBER:


CASE MANAGER: Glenn Rhoades

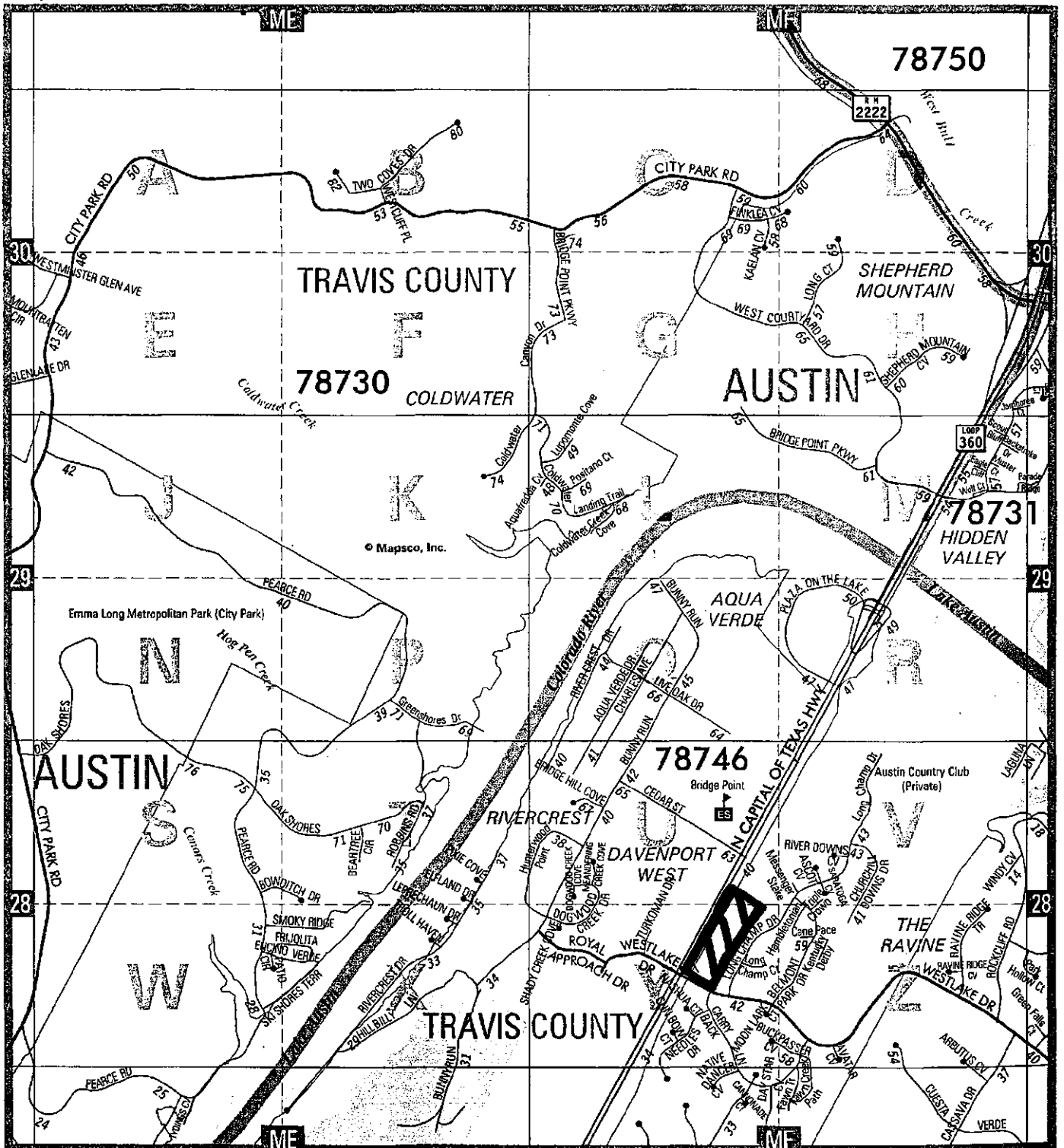
PHONE: 974-2775

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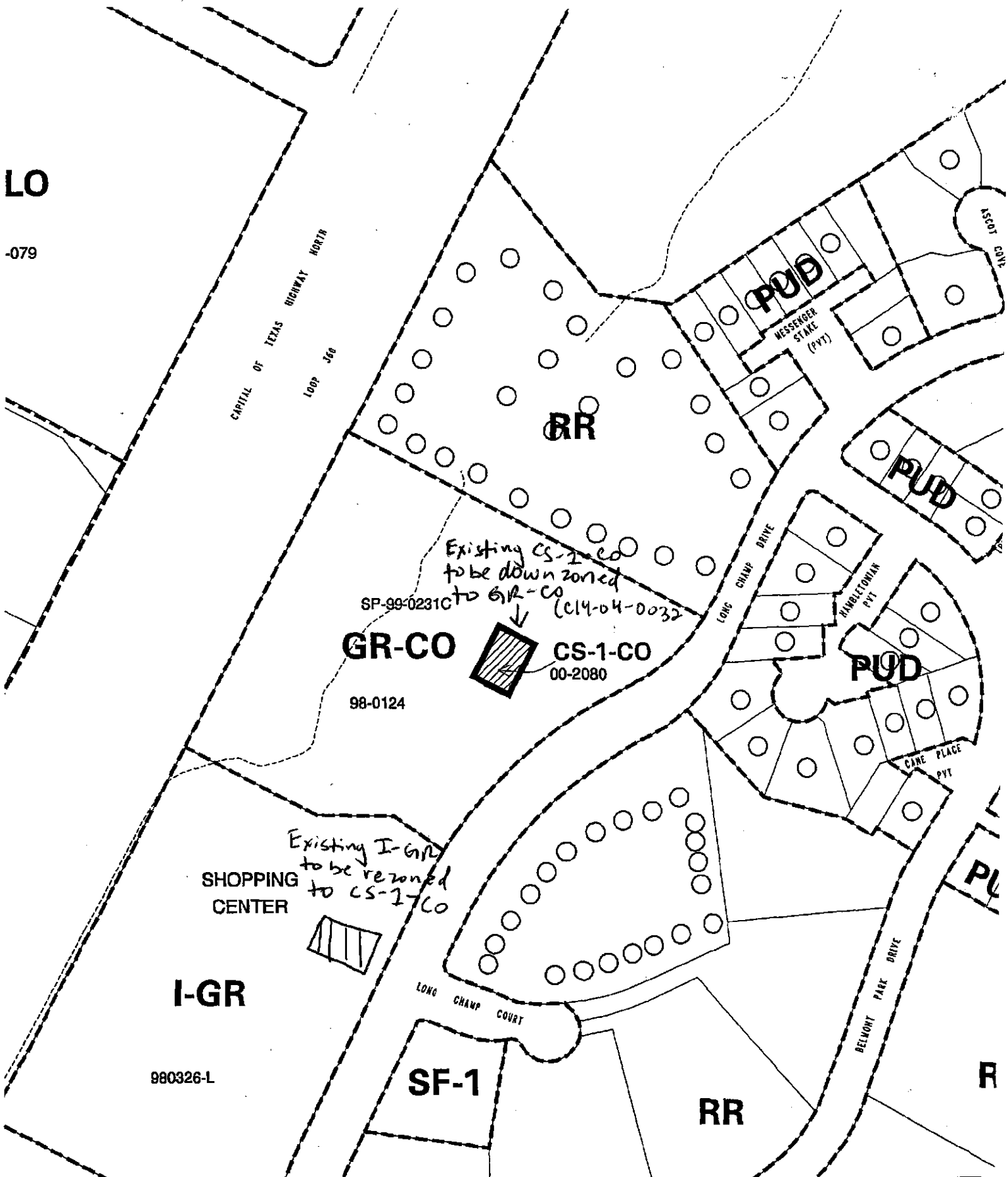
 1" = 200'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: G.RHOADES	ZONING CASE #: C14-04-0032 ADDRESS: 3801 N.CAPITAL OF TX. Hwy SUBJECT AREA (acres): 0.137	CITY GRID REFERENCE NUMBER F28
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LO

-079



 1"=200'	<p>SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: G.RHOADES</p>	<p>ZONING</p> <p>CASE #: C14-04-0032 ADDRESS: 3801 N.CAPITAL OF TX. HWY SUBJECT AREA (acres): 0.137</p>	<p>DATE: 04-02 INTLS: TRC</p>	<p>CITY GRID REFERENCE NUMBER F28</p>
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STAFF RECOMMENDATION

Staff recommends the proposed change to GR-CO, Community Commercial-Conditional Overlay district zoning.

BASIS FOR RECOMMENDATION

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

GR – Community Commercial district is the designation for an office or other commercial use that serves community needs and that generally is accessible from major traffic ways.

The proposed change is consistent with the purpose statement set forth in the Land Development Code. It is a part of a facility already zoned GR and is accessible from a major traffic way.

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

The proposed zoning change is a fair and reasonable use of the site, as the subject tract is surrounded by GR-CO zoning.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with a shopping center.

Transportation

The trip generation under the requested zoning is estimated to be 1,118 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 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 Long Champ Drive and Westlake Drive.

Capital of Texas Highway is classified in the Bicycle Plan as a Priority 1 bike route. (Route #9)
Westlake Drive is classified in the Bicycle Plan as a Priority 1 bike route. (Route #434)

Capital Metro bus service is not available within 1/4 mile of this property.

Impervious Cover

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Lake Austin Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. Under the 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>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Environmental

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

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

The site is not located within the endangered species survey.

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 providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

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 site is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustment, or relocation are necessary for the land use, 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.

Compatibility Standards

This is footprint zoning within an existing retail center. Any new construction on this site would be subject to compatibility development regulations which would be enforced at the time of site plan submittal.