

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



**AGENDA ITEM NO.: Z-18
AGENDA DATE: Thu 05/06/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0039 - Detour - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6705 U.S. Highway 290 West (Williamson Creek Watershed-Barton Springs Zone) from community commercial (GR) district zoning to commercial liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To deny commercial liquor sales (CS-1) district zoning. Applicant: Jack Lieberman. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.

REQUESTING	Neighborhood Planning	DIRECTOR'S
DEPARTMENT:	and Zoning	AUTHORIZATION: <u>Greg Guemsey</u>

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0039

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

C.C. DATE: May 6, 2004

ADDRESS: 6705 U.S. Highway 290 West

OWNERS: Jack Lieberman

AGENT: Jim Bennet

ZONING FROM: GR

TO: CS-1

AREA: .036 acres
(1,556 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

Staff does not recommend the proposed change to Commercial Liquor Sales (CS-1) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

To approve staff recommendation to deny the proposed change to commercial liquor sales (CS-1) district zoning (Vote: 7-0, K. Jackson – absent).

ISSUES:

The applicant is proposing the change in order to use the site for a cocktail lounge.

Presently there are 3 units of the retail center that are zoned CS-1. The first is a 1,940 square foot unit that is used for a liquor store. The second is a 12,340 square foot unit that is used for a Goodwill store and the third is a 2,400 square foot restaurant. The entire retail center is comprised of 43,644 square feet, which means that 38% of the center is zoned for alcohol sales. If the proposed change is granted, the percentage rises to 41%.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Retail Center, with Restaurants, Medical Offices and a Liquor Store
<i>North</i>	SF-2, RR	Pottery Sales
<i>South</i>	LR SF-3	Drive Through Bank Single-Family
<i>East</i>	SF-2 P-CO GR	Vacant Funeral Home Undeveloped
<i>West</i>	SF-1	Single Family

AREA STUDY: N/A

TIA: N/A

WATERSHED: Williamson Creek (BSZ)

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

#177 – Convict Hill Neighborhood Association
#384 – Save Barton Creek Association
#428 – Barton Springs/Edwards Aquifer Conservation District
#943 – Save Our Springs Alliance
#967 – Circle C Neighborhood Association

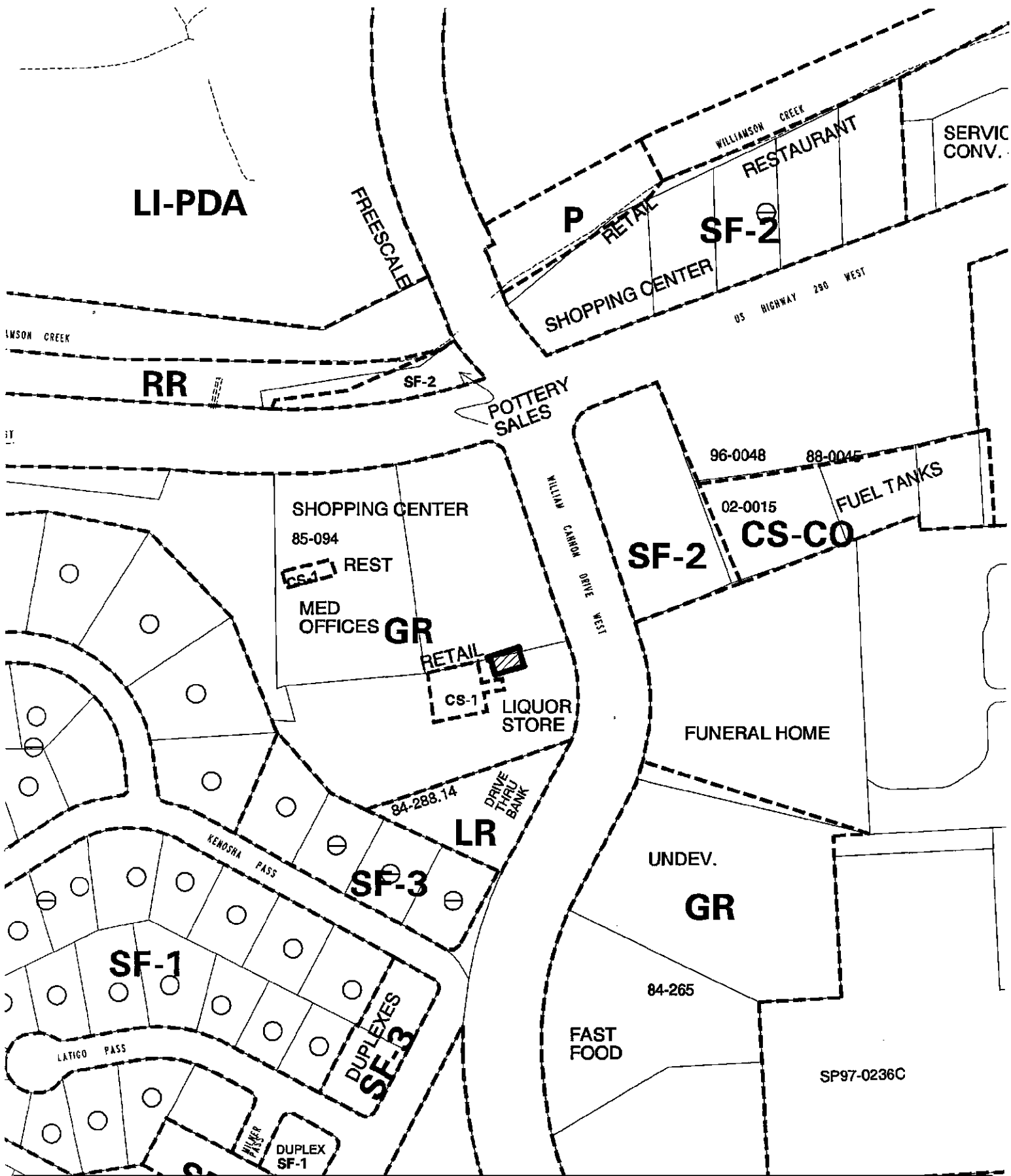
CASE HISTORIES:





NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0015	SF-2 to CS	Approved CS-CO. The CO prohibits auto rentals, auto sales, auto repair, auto washing, agricultural sales and services, art and craft studio general, building maintenance services, campground, blood plasma center, construction ales and services, convenience storage, drop-off recycling, electronic prototype assembly, equipment repair services, equipment sales, kennels, laundry services, monument sales, plant nursery, vehicle storage, veterinary services, maintenance and service facilities and transitional housing (Vote: 6-0). 2/26/02	Approved PC recommendation (Vote: 6-0). 4/4/02.
C14-96-0048	From RR to GR	Withdrawn by applicant	

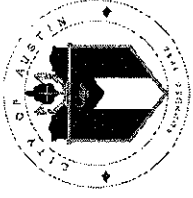
ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
US 290 W.	100'	2 @ 60'	MAD4	N/A
William Cannon	145'	2 @ 50'	MAD6	N/A

CITY COUNCIL DATE:**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



 1" = 200'	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p>	<p>ZONING</p> <p>CASE #: C14-04-0039</p> <p>ADDRESS: 6705 W US HWY 290</p> <p>SUBJECT AREA (acres): 0.036</p> <p>DATE: 04-04</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>C19</p>
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City of Austin Infrastructure Support Services

Case C14-04-0039

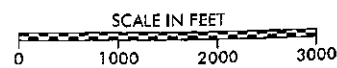
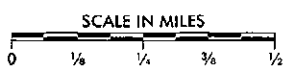
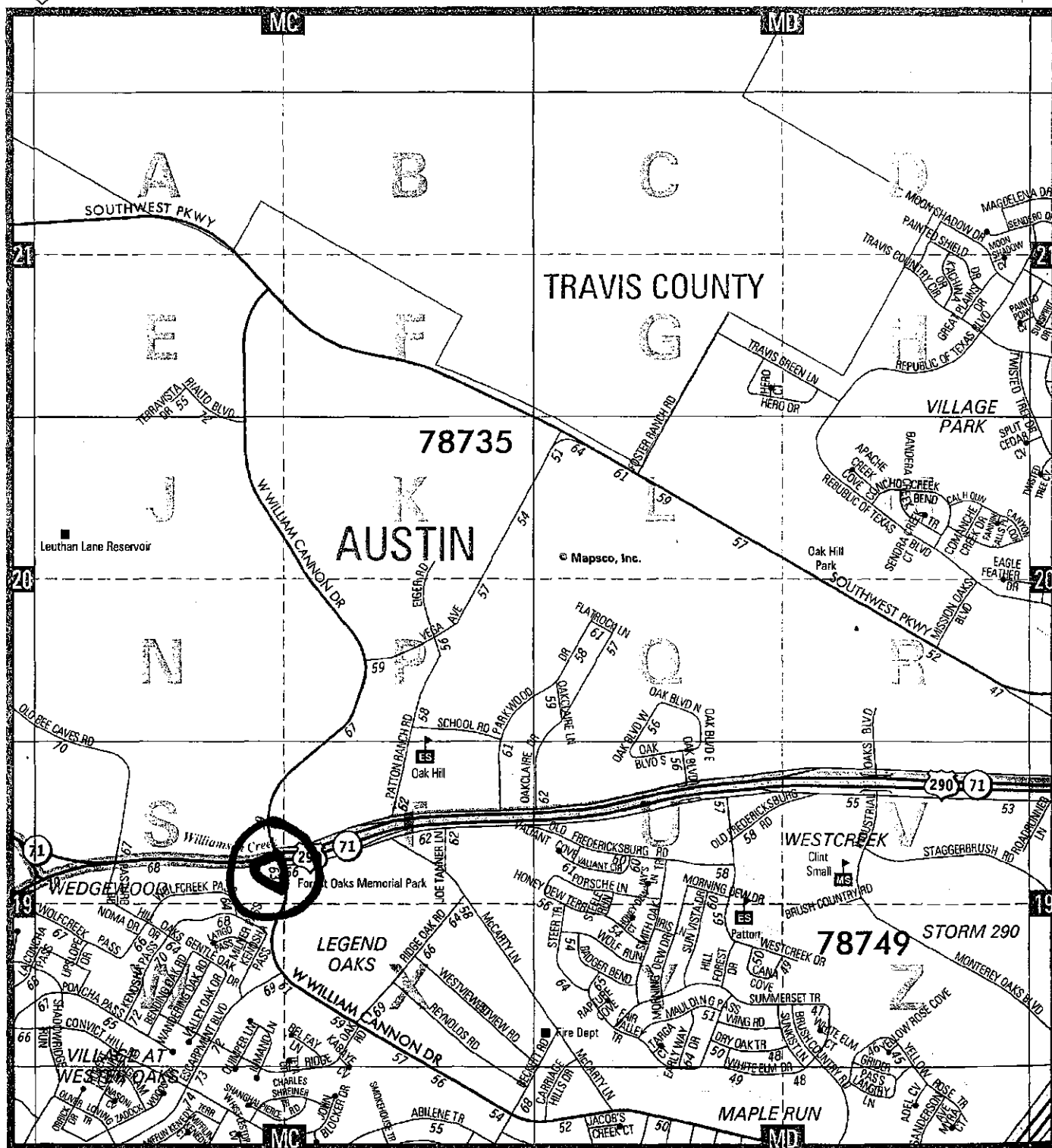


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Tue Apr 27 09:53:53 2004



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STAFF RECOMMENDATION

Staff does not recommend the proposed change to CS-1, Commercial Liquor Sales district zoning.

BASIS FOR RECOMMENDATION

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

CS-1 – Commercial Liquor Sales is the designation for commercial and industrial uses incompatible with residential environments with the sale of alcohol being a permitted use.

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

Staff believes that the existing GR zoning is a fair and reasonable use of the site. The proposed change is a part of an existing strip shopping center. At this time there are three existing CS-1 footprints. One of the sites is an existing liquor store and Goodwill center. The other is a restaurant. Staff believes that the existing CS-1 zoning is sufficient for a shopping center of this size.

While it may appear that the subject tract meets the purpose statement set forth in the Land Development Code, due to the amount of existing CS-1, staff feels that another footprint would over zone the existing shopping center.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with a retail shopping center, including restaurants, medical offices and a liquor store.

Transportation

The trip generation under the requested zoning is estimated to be 732 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 are existing sidewalks along William Cannon Drive.

William Cannon Drive is classified in the Bicycle Plan as a Priority Low Usability bike route.

Capital Metro bus service is available along William Cannon Drive directly across from the subject property.

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

Impervious Cover

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. Project applications (proposing development) at the time of this report are subject to the SOS Ordinance which allows 15% impervious cover in the recharge zone. Because this application is for a change of use only, it is not considered development, and does not trigger SOS. Any future development will need to comply with SOS.

Environmental

According to flood plain maps, there is no flood plain within 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 providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

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 offsite main extension, or system upgrades, or utility adjustment,

or relocation 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.

Compatibility Standards

Compatibility standards will not apply at this time.

FYI - A conditional use site plan permit will be required for a lounge.

15. C14-04-0034 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING & ZONING DEPARTMENT, By: COA – Neighborhood Planning & Zoning Department (Sherri Gager), 8518 Fathom Circle. (Bull Creek / Rattan Creek). **FROM GO-CO TO MF-2. RECOMMENDED.** City Staff: Sherri Gager, 974-3057.

APPROVED STAFF'S RECOMMENDATION OF MF-2 ZONING; BY CONSENT.

[J.M; J.G 2ND] (7-0) K.J – ABSENT

16. C14-04-0035 – SHOAL CREEK PROPERTIES, LTD. (Fred G. Eppright), By: Land Strategies, Inc. (Paul W. Linehan), approximately 9300-9800 block of R.M. 620 North. (Bull Creek). **FROM I-RR TO SF-6. ALTERNATE RECOMMENDATION: SF-6-CO.** City Staff: Sherri Gager, 974-3057.

POSTPONED TO 05/18/04 (NEIGHBORHOOD)

[J.M; J.G 2ND] (7-0) K.J – ABSENT

17. C14-04-0038 – STACEY SHACKELFORD, By: Jim Bennett Consulting (Jim Bennett), 6001 Mountain Shadows Drive. (Williamson Creek). **FROM RR TO CS. ALTERNATE RECOMMENDATION: GR-CO.** City Staff: Annick Beaudet, 974-2975.

APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING.

[B.B; J.P 2ND] (6-1) M.W – NAY; K.J – ABSENT

18. C14-04-0039 – OAK HILL (Jack Lieberman), By: Jim Bennett Consulting (Jim Bennett), 6705 US Hwy. 290 West. (Williamson Creek). **FROM GR TO CS-1. NOT RECOMMENDED.** City Staff: Glenn Rhoades, 974-2775.

APPROVED STAFF'S RECOMMENDATION TO DENY THE ZONING REQUEST.

[J.M; J.P 2ND] (7-0) K.J – ABSENT

19. C14-04-0040 – CHOBAN & ASSOCIATES (Mary Ruth Plauche), By: Jim Bennett Consulting (Jim Bennett), 1707 South Lamar Blvd. (West Bouldin Creek). **FROM SF-3 TO CS-CO. RECOMMENDED.** City Staff: Annick Beaudet, 974-2975.

CONTINUED INDEFINITELY

[M.W; J.M 2ND] (7-0) K.J – ABSENT