

Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: Z-8
AGENDA DATE: Thu 08/26/2004
PAGE: 1 of 1

SUBJECT: C14-04-0073 - 1200 W. Howard Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200 West Howard Lane (Walnut Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: SPASCO, Ltd. (Sandy Aron). Agent: Jim Bennett. City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0073

Z.A.P. DATE: July 20, 2004

ADDRESS: 1200 West Howard Lane

OWNER/APPLICANT: SPASCO, Ltd. (Sandy Aron)

AGENT: Jim Bennett

ZONING FROM: CS-CO

TO: CS-1

AREA: 0.06 acres (2,814 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:

7/20/04: Approved staff's recommendation of CS-1 zoning by consent (8-0, J. Pinnelli-absent); J. Martinez-1st, J. Gohil-2nd.

DEPARTMENT COMMENTS:

The property in question is currently a vacant suite located within an existing retail shopping center. The applicant plans to develop a cocktail lounge (bar) on this site within this approved commercial center (SP-02-0278C - Attachment A).

The staff recommends the applicant's request for CS-1 zoning because the property in question is part of a larger commercial tract that takes access from two arterial roadways, West Howard Lane and Interstate Highway-35 North. The proposed CS-1 zoning will be surrounded by commercial uses in an approved retail shopping center.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO	Commercial Retail Shopping Center
<i>North</i>	SF-2	Cemetery
<i>South</i>	CS-CO, GR-CO	Parking for Retail Center, Gas Station/Convenience Store
<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: Yes

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

114 – North Growth Corridor Alliance

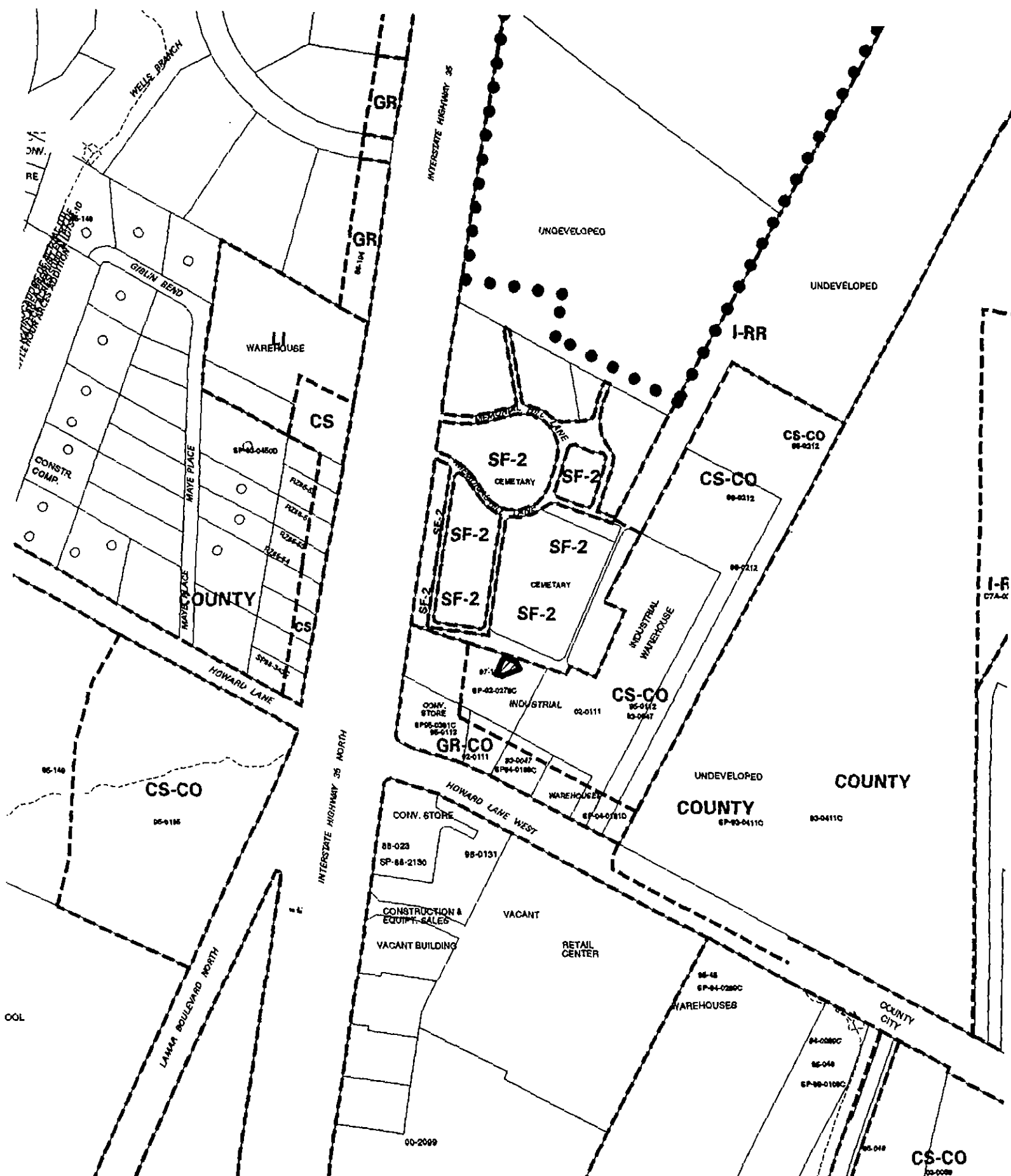
CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0111	Tract 1: GR-CO to GR 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	SF-2, GR to CS	Approved staff rec. of CS-CO; with no adult oriented businesses (8-0) on 10/17/00	Approved CS-CO w/additional prohibited uses (7-0); all 3 readings on 12/14/00
C14-98-0212	I-RR to CS	Approved GR-CO w/conditions for front to match existing GR and CS-CO for remainder of property, prohibit auto repair and auto washing except for on-site tenants (5-2, GW/DS-Nay) on 12/15/98	Approved PC rec. of GR-CO w/ conditions 97-0); 1 st reading on 1/14/99 Approved CS-CO w/ conditions (7-0); 2 nd /3 rd readings on 4/15/99
C14-96-0131	SF-2 to GR	Approved staff rec. of GR (9-0) on 12/10/96	Approved GR-CO w/ conditions (7-0); 1 st reading on 1/9/97 Approved GR-CO w/ conditions (7-0); 2 nd /3 rd readings on 3/20/97
C14-93-0047	SF-2 to CS	Approved GR-CO (6-0) on 4/27/93	Approved GR-CO and CS-CO w/conditions (6-0); 1 st reading on 5/6/93 Approved GR-CO and CS-CO (7-0); 2 nd /3 rd readings on 6/17/93

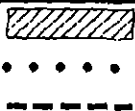
RELATED CASES: There are no pending related cases.**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Howard Lane	130'	Varies	Major Arterial	N/A
IH-35	300'	Varies	Major Arterial	N/A

CITY COUNCIL DATE: August 26, 2004**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Sherri Gager**PHONE:** 974-3057,
sherri.gager@ci.austin.tx.us



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: S. GAGER



CASE #: C14-04-0073

ADDRESS: 1200 W HOWARD LANE

SUBJECT AREA (acres): 0.060

ZONING

DATE: 04-06

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 M35

1" = 400'

STAFF RECOMMENDATION

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

BACKGROUND

The property in question is currently a vacant suite located within an existing retail shopping center. The applicant plans to develop a cocktail lounge (bar) on this site within this approved commercial center (SP-02-0278C - Attachment A).

The staff recommends the applicant's request for CS-1 zoning because the property in question is part of a larger commercial tract that takes access from two arterial roadways, West Howard Lane and Interstate Highway-35 North. The proposed CS-1 zoning will be surrounded by commercial uses in an approved retail shopping center.

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.

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 to the north and the south, across Howard Lane.

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 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 near the intersection of Interstate Highway 35 and Howard Lane, a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site in question is a vacant suite located in commercial retail center. The property to the north 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 and a restaurant use.

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%

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 Desired Development 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 floodplain within, or adjacent to the project boundary.

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 that 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 1,022 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]

Capital Metro bus service is available along IH-35 (Route #75).

Howard Lane is classified in the Bicycle Plan as a Priority 1 bike route.

There are existing sidewalks along Howard Lane.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Howard Lane	130'	Varies	Major Arterial	N/A
IH-35	300'	Varies	Major Arterial	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 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.

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.

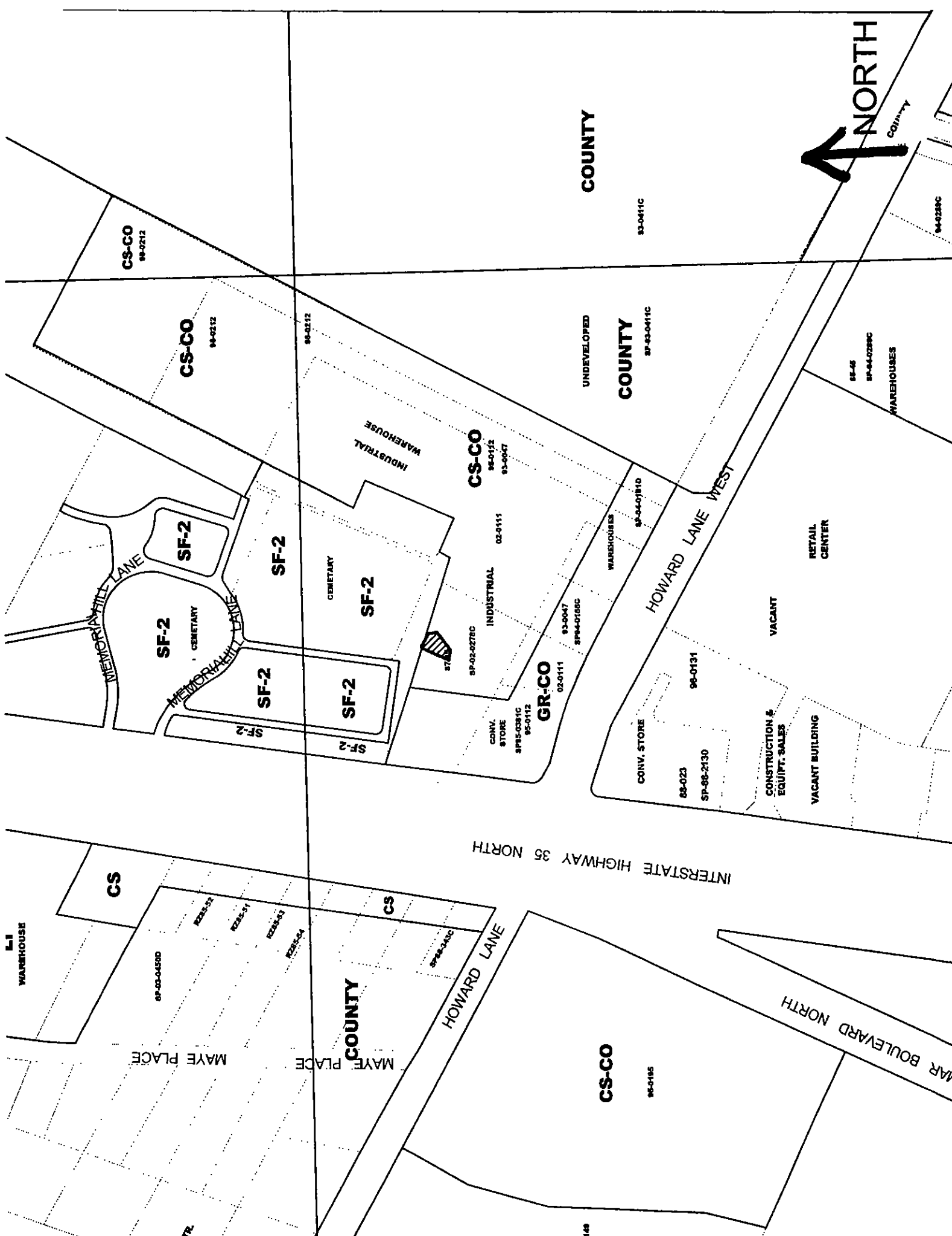
Compatibility Standards

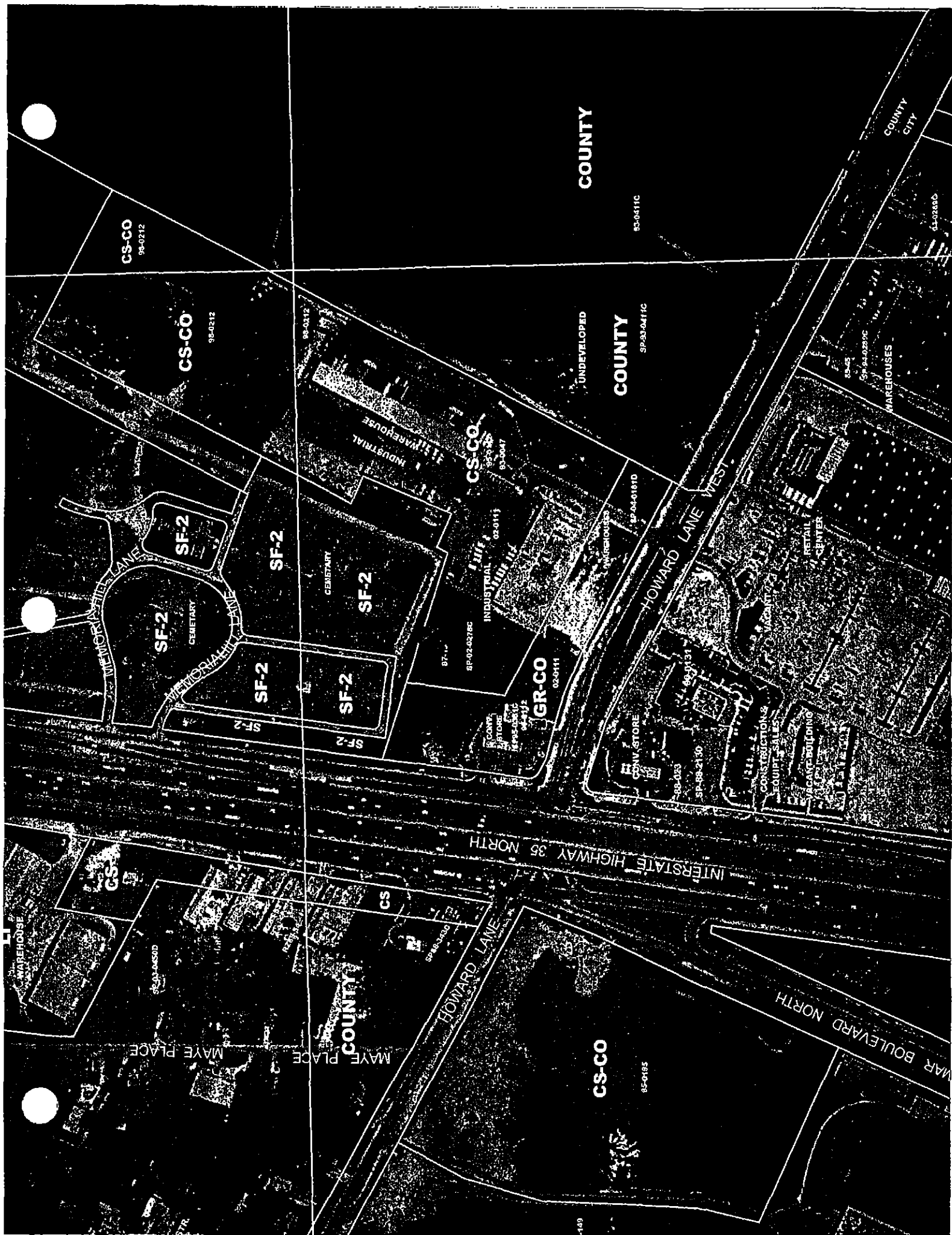
There is a site plan that was viewed for this property (SP- 02-0278C), which provides for 15, 681 square feet or 3.6 acres of retail uses, along with associated parking and drainage facilities.

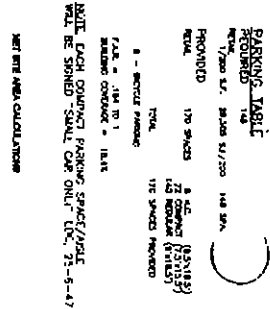
The site is subject to compatibility standards. Along the north property line, the following standards apply:

- 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.
- 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.

Additional design regulations will be enforced at the time a site plan is submitted.







ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1200 WEST HOWARD LANE FROM GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES (CS-1) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-24.191 of the City Code is amended to change the base district from general commercial services-conditional overlay (CS-CO) combining district to commercial-liquor sales (CS-1) district on the property described in Zoning Case No. C14-04-0073, on file at the Neighborhood Planning and Zoning Department, as follows:

A. 0.07 acre tract of land (2,815 square feet), more or less, out of the L.C. Cunningham Survey No. 68, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 1200 West Howard Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

§
§
§

_____, 2004

Will Wynn
Mayor

APPROVED

ATTEST:

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk

124

" EXHIBIT A "

BEING A 0.07 OF AN ACRE (2,815 SQUARE FEET) PARCEL OF LAND OUT OF AND A PART OF THE L.C. CUNNINGHAM SURVEY NUMBER 68, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2A OF THE REPLAT OF ROUTE SUBDIVISION AS DEPICTED BY THE INSTRUMENT RECORDED UNDER DOCUMENT NUMBER 200000128 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 2A WAS CONVEYED TO SPASCO LTD., IN DOCUMENT NUMBER 2003021460 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; THE AFOREMENTIONED 0.07 OF AN ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING at an iron rod found for the northeasterly corner of the aforementioned Lot 2A and for the westerly most northwesterly corner of Lot 3 of the aforementioned Replat of Route Subdivision;

THENCE, North 70 degrees 26 minutes 51 seconds West (Bearing Basis), along the northerly line of the aforementioned Lot 2A, a distance of 104.20 feet to a point in the northerly line of the said Lot 2A;

THENCE, South 19 degrees 33 minutes 09 seconds West, into the interior of the aforementioned Lot 2A, a distance of 10.03 feet to a building corner, for the PLACE OF BEGINNING of the herein described parcel;

THENCE, South 20 degrees 25 minute 43 seconds East, along the aforementioned building, a distance of 28.43 feet to a point in the common wall of the aforementioned building;

THENCE, South 70 degrees 18 minutes 21 seconds West, along the aforementioned common wall, a distance of 60.20 feet to a building corner;

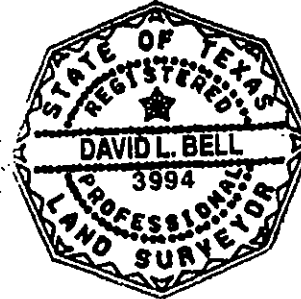
THENCE, North 70 degrees 30 minutes 36 seconds West, along the aforementioned building, a distance of 22.83 feet to a point in the common wall of the aforementioned building;

THENCE, North 27 degrees 44 minutes 21 seconds East, along the aforementioned common wall, a distance of 60.56 feet to a point on the aforementioned building;

THENCE, South 70 degrees 23 minutes 13 seconds East along the aforementioned building, a distance of 42.56 feet to THE PLACE OF BEGINNING of the herein described parcel and containing a calculated area of 0.07 of an acre (2,815 square feet) of land, more or less.

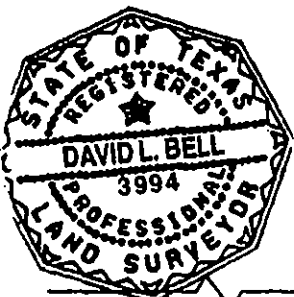
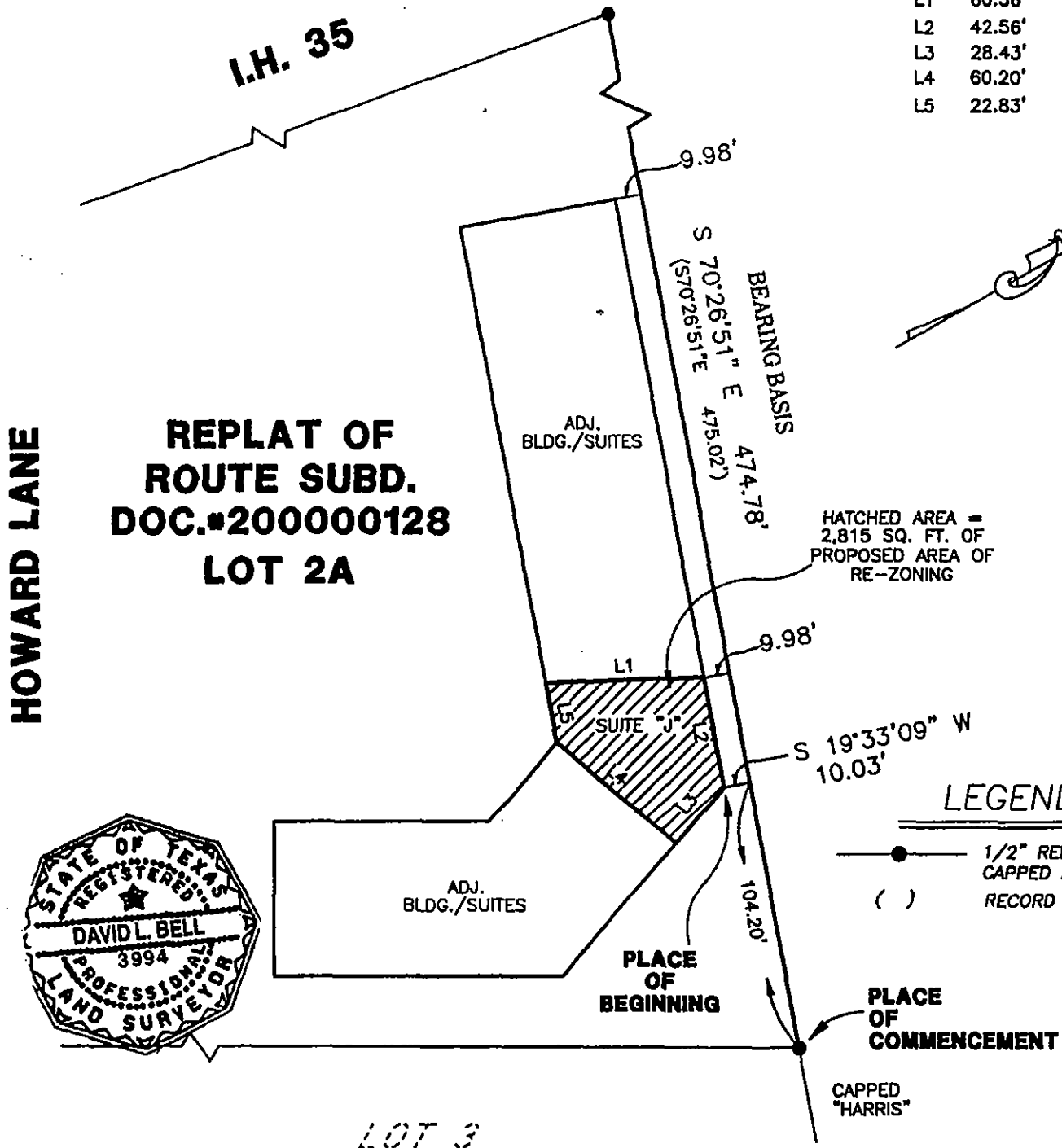
THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE
ACCOMPANING SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.

B0501604 REVISED 06-01-04



SKETCH TO ACCOMPANY A METES AND BOUNDS DESCRIPTION, FOR RE-ZONING PURPOSES.

LINE	DISTANCE	BEARING
L1	60.56'	N27°44'21"E
L2	42.56'	S70°23'13"E
L3	28.43'	S20°25'43"E
L4	60.20'	S70°18'21"W
L5	22.83'	N70°30'36"W



David Bell 6-1-04

JOB # B0501604_TA
SCALE 1" = 60'
TECH. RACHEL

REVISED 05-17-04
REVISED 06-01-04

B&G Surveying, Inc.
Victor M. Garza R.P.L.S.

Office 512*458-6969
Fax 512*458-9845

1404 West North Loop Blvd.
Austin, Texas 78756



