

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 88
AGENDA DATE: Thu 09/30/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0098 - Burnet Crossing - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5320 Burnet Road (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial liquor sales (CS-1) district zoning. First reading on August 26, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: W-D Enterprises (Milford Desenberg). Thrower Design (Ron Thrower). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0098

REQUEST:

Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 5320 Burnet Road from general commercial services (CS) district zoning to commercial liquor sales (CS-1) district zoning.

DEPARTMENT COMMENTS:

The applicant is requesting the proposed change to add 661 square feet to an existing CS-1 footprint. The applicant intends to use the footprint for a liquor store. In the immediate vicinity there are four other properties zoned CS-1. However, none of those properties are used for the sale of alcohol.

APPLICANT: W-D Enterprises (Milford Desenberg)

AGENT: Thrower Design (Ron Thrower)

DATE OF FIRST READING/VOTE:

August 26, 2004 – Approved commercial liquor sales (CS-1) district zoning (Vote: 7-0).

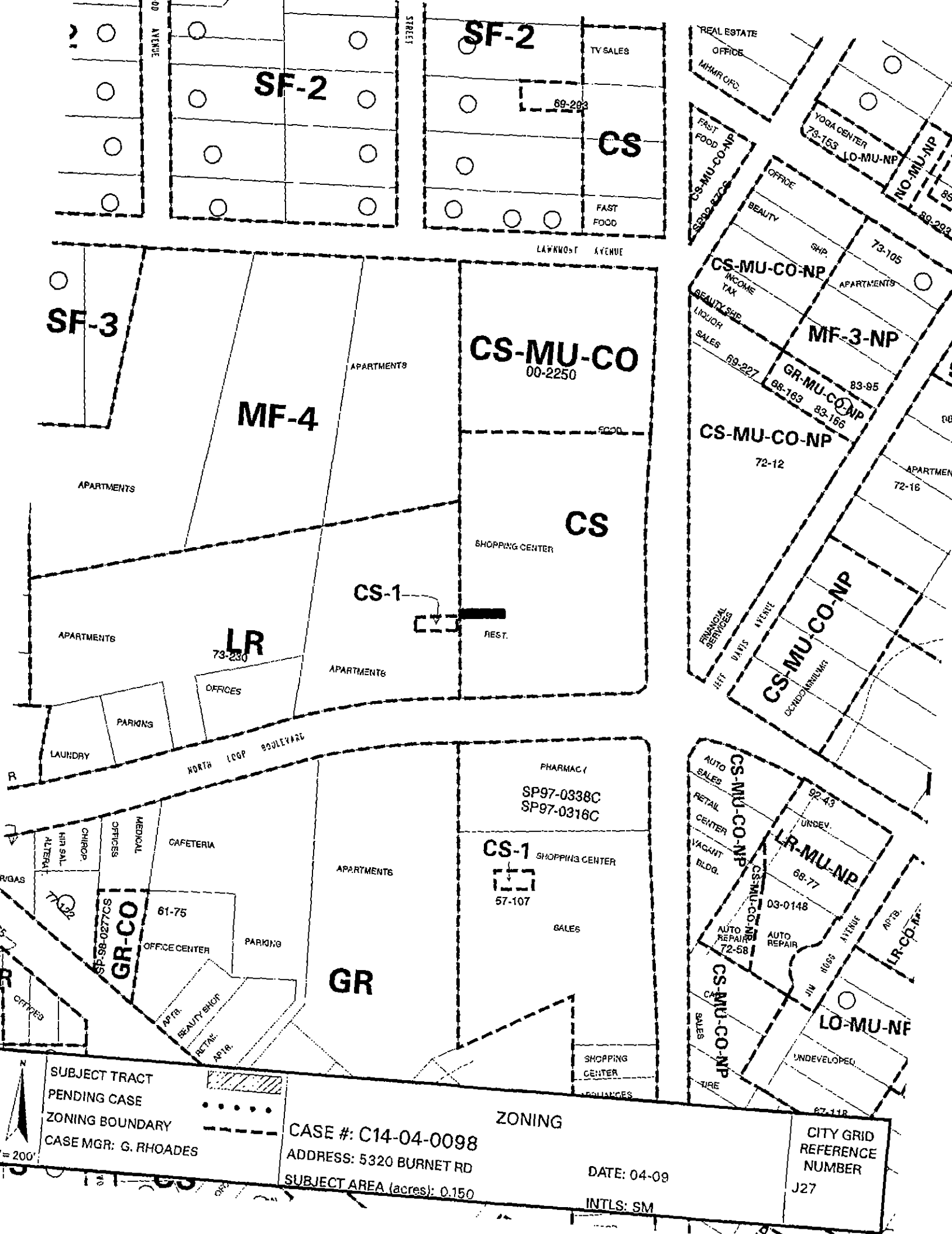
CITY COUNCIL DATE:

August 26, 2004 – Approved CS-1 district zoning

September 30, 2004 -

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us



ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 5320 BURNET ROAD FROM GENERAL
3 COMMERCIAL SERVICES (CS) DISTRICT TO COMMERCIAL LIQUOR
4 SALES (CS-1) DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from general commercial services (CS) district to commercial-
10 liquor sales (CS-1) district on the property described in Zoning Case No. C14-04-0098, on
11 file at the Neighborhood Planning and Zoning Department, as follows:

12
13 A 0.015 acre tract of land (661 square feet), more or less, out of the George W.
14 Spear League No. 7, in Travis County, Texas, the tract of land being more
15 particularly described by metes and bounds in Exhibit "A" incorporated into this
16 ordinance,

17
18 locally known as 5320 Burnet Road, in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "B".

20
21 **PART 2.** This ordinance takes effect on _____, 2004.

22
23 **PASSED AND APPROVED**

24
25
26
27
28 _____, 2004

§
§
§

29 Will Wynn
30 Mayor

31
32
33 **APPROVED:** _____

34 David Allan Smith
35 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**DESENBERG TRACT
ZONING DESCRIPTION**

A DESCRIPTION OF 0.015 ACRES (661 S.F.), BEING A PORTION OF A 3.355 ACRE TRACT OF LAND OUT OF GEORGE W. SPEAR LEAGUE No. 7, CONVEYED TO MILFORD DESENBERG AND ELINOR DESENBERG IN A DEED RECORDED IN VOLUME 1963, PAGE 543 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.015 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" rebar found in the north right-of-way line of North Loop Blvd. (80' right-of-way), for the southwest corner of said 3.355 acres, being also the southeast corner of Lot 4 Lawnmont Subdivision, a subdivision of record in Volume 41, Page 22 of the Plat Records of Travis County, Texas;

THENCE with the west line of said 3.355 acres, being also the east line of Lot 4 Lawnmont Subdivision, North 04°56'40" West, a distance of 145.46 feet to a calculated point;

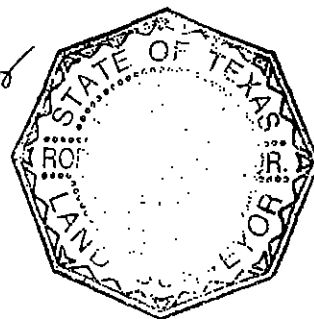
THENCE North 85°03'20" East, crossing said 3.355 acres, a distance of 5.64 feet to the **POINT OF BEGINNING**;

THENCE continuing over and across said 3.355 acres, the following four (4) courses:

1. North 04°44'56" West, a distance of 9.18 feet;
2. North 85°18'10" East, a distance of 71.99 feet;
3. South 04°44'56" East, a distance of 9.18 feet;
4. South 85°18'10" West, a distance of 71.99 feet to the **POINT OF BEGINNING**, containing 0.015 acres of land more or less.

Building dimensions surveyed on the ground May, 2004. Bearing basis is grid azimuth for Texas Central Zone, 1983/93 Harn Values from LCRA Control Network. Attachments: Survey Drawing 040-030-ZN.

Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995

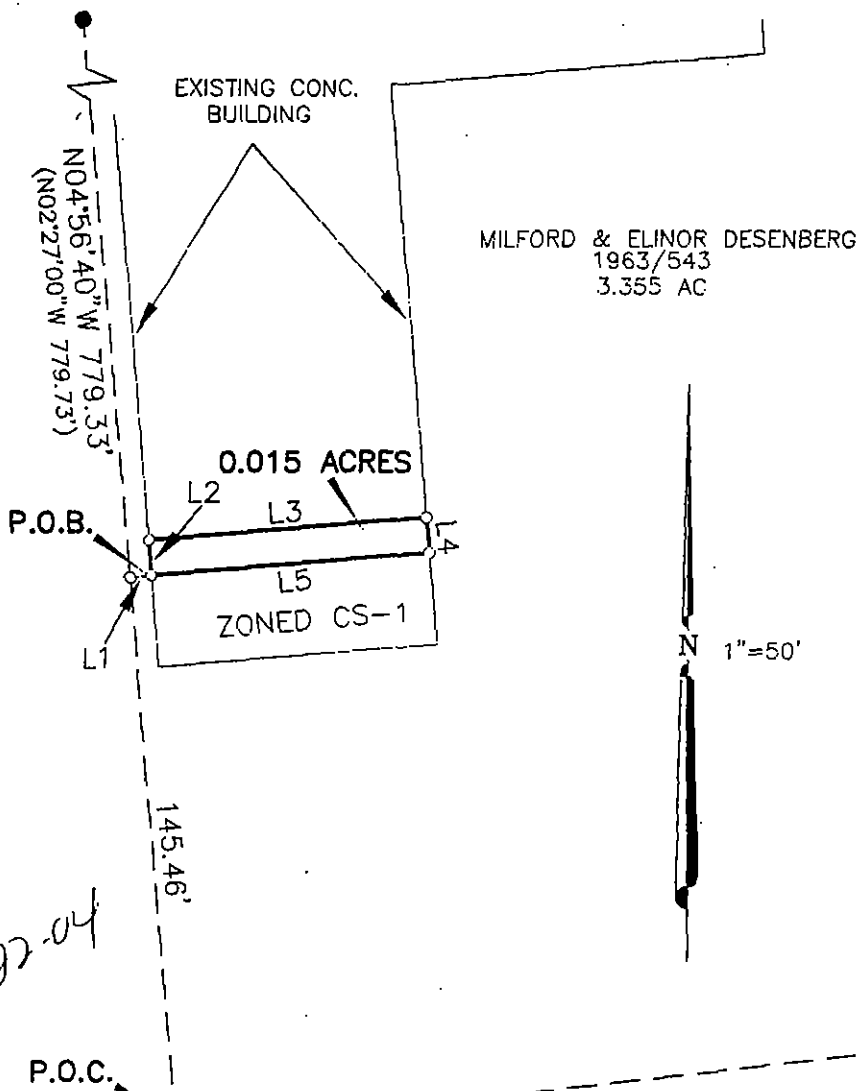
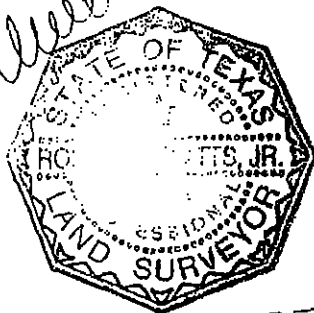


SKETCH TO ACCOMPANY A DESCRIPTION OF 0.015 ACRES (661 S.F.), BEING A PORTION OF A 3.355 ACRE TRACT OF LAND OUT OF GEORGE W. SPEAR LEAGUE No. 7, CONVEYED TO MILFORD DESENBERG AND ELINOR DESENBERG IN A DEED RECORDED IN VOLUME 1963, PAGE 543 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 4
LAWNMONT SUBDIVISION
(41/22)

LEGEND

- 1/2" REBAR FOUND
- CALCULATED POINT



NORTH LOOP BLVD.
(80' R.O.W. WIDTH)

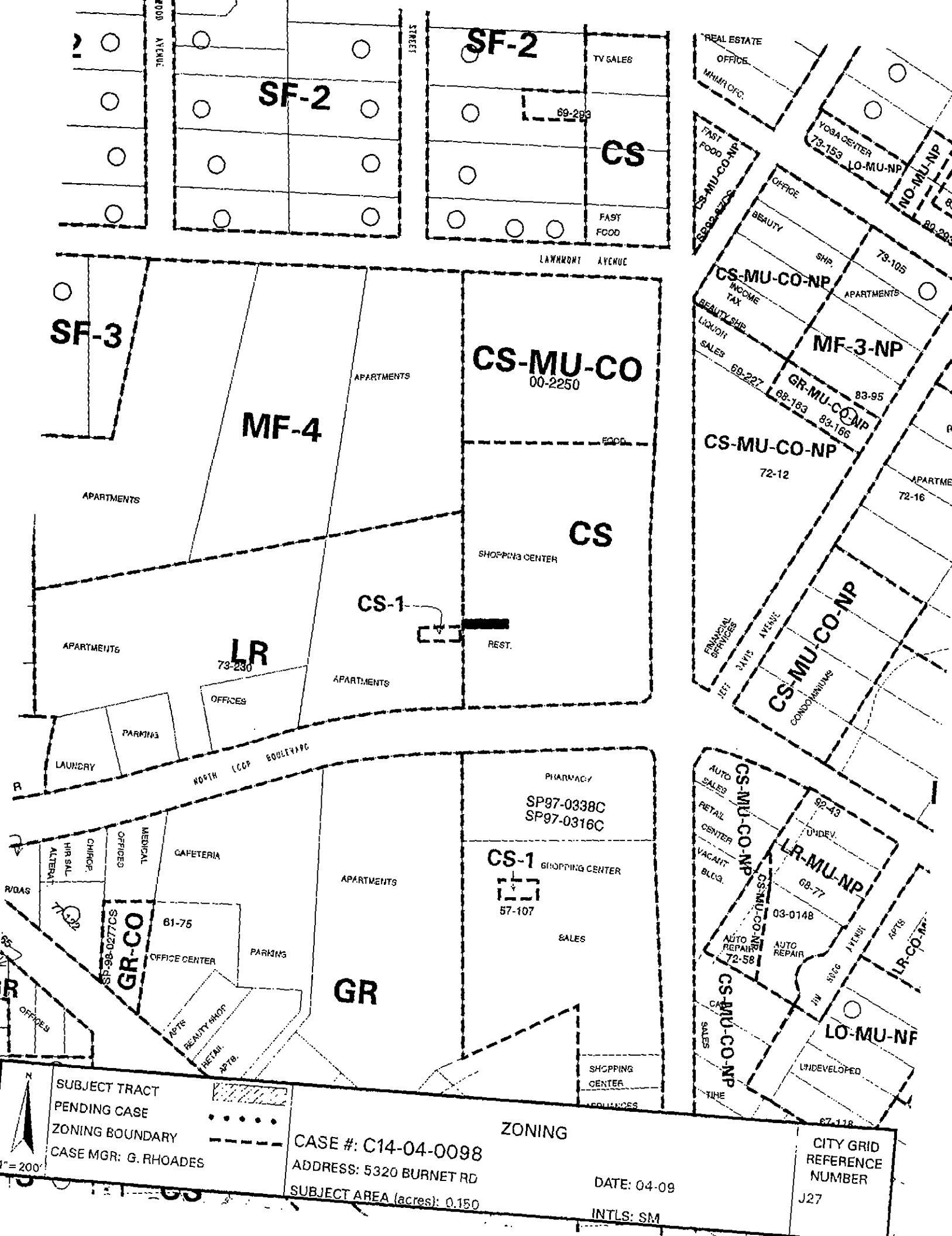
LINE TABLE		
No.	BEARING	LENGTH
L1	N85°03'20"E	5.64'
L2	N04°44'56"W	9.18'
L3	N85°18'10"E	71.99'
L4	S04°44'56"E	9.18'
L5	S85°18'10"W	71.99'

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE,
1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 040-030-ZN

DATE OF SURVEY: 04/30/04
PLOT DATE: 06/22/04
DRAWING NO.: 040-030-ZN
PROJECT NO.: 040-030

Chaparral



SF-3

SF-2

SF-2

CS

CS-MU-CO
00-2250

MF-4

CS

CS-1

LR

GR

CS-1

MF-3-NP

GR-MU-CO-NP

CS-MU-CO-NP

CS-MU-CO-NP

LR-MU-NP

LO-MU-NF

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: G. RHOADES

CASE #: C14-04-0098
ADDRESS: 5320 BURNET RD
SUBJECT AREA (acres): 0.150

ZONING

DATE: 04-09

INTLS: SM

CITY GRID
REFERENCE
NUMBER
J27

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0098

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

C.C. DATE: August 26, 2004
September 30, 2004

ADDRESS: 5320 Burnet Road

OWNERS: W-D Enterprises
(Milford Desceneberg)

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: CS

TO: CS-1

AREA: 661 sq. ft.

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to commercial liquor sales (CS-1) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

To grant commercial liquor sales (CS-1) district zoning by consent (Vote: 8-0, J. Pinelli – absent).

ISSUES:

The applicant is requesting the proposed change to add 661 square feet to an existing CS-1 footprint. The applicant intends to use the footprint for a liquor store. In the immediate vicinity there are four other properties zoned CS-1. However, none of those properties are used for the sale of alcohol.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Vacant shopping center
<i>North</i>	CS-MU-CO	Antique Store
<i>South</i>	CS and CS-1	Pharmacy, Shopping Center
<i>East</i>	CS and CS-1	3 Salons, 2 Thrift Stores, Auto Sales, Bank
<i>West</i>	MF-4 and LR	Apartments, Office

AREA STUDY: N/A

TIA: N/A

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

#003 – Allandale Neighborhood Association
#120 – Brentwood Neighborhood Association
#283 – North Austin Neighborhood Alliance
#470 – Koenig Lane Neighborhood Association
#511 – Austin Neighborhoods Council

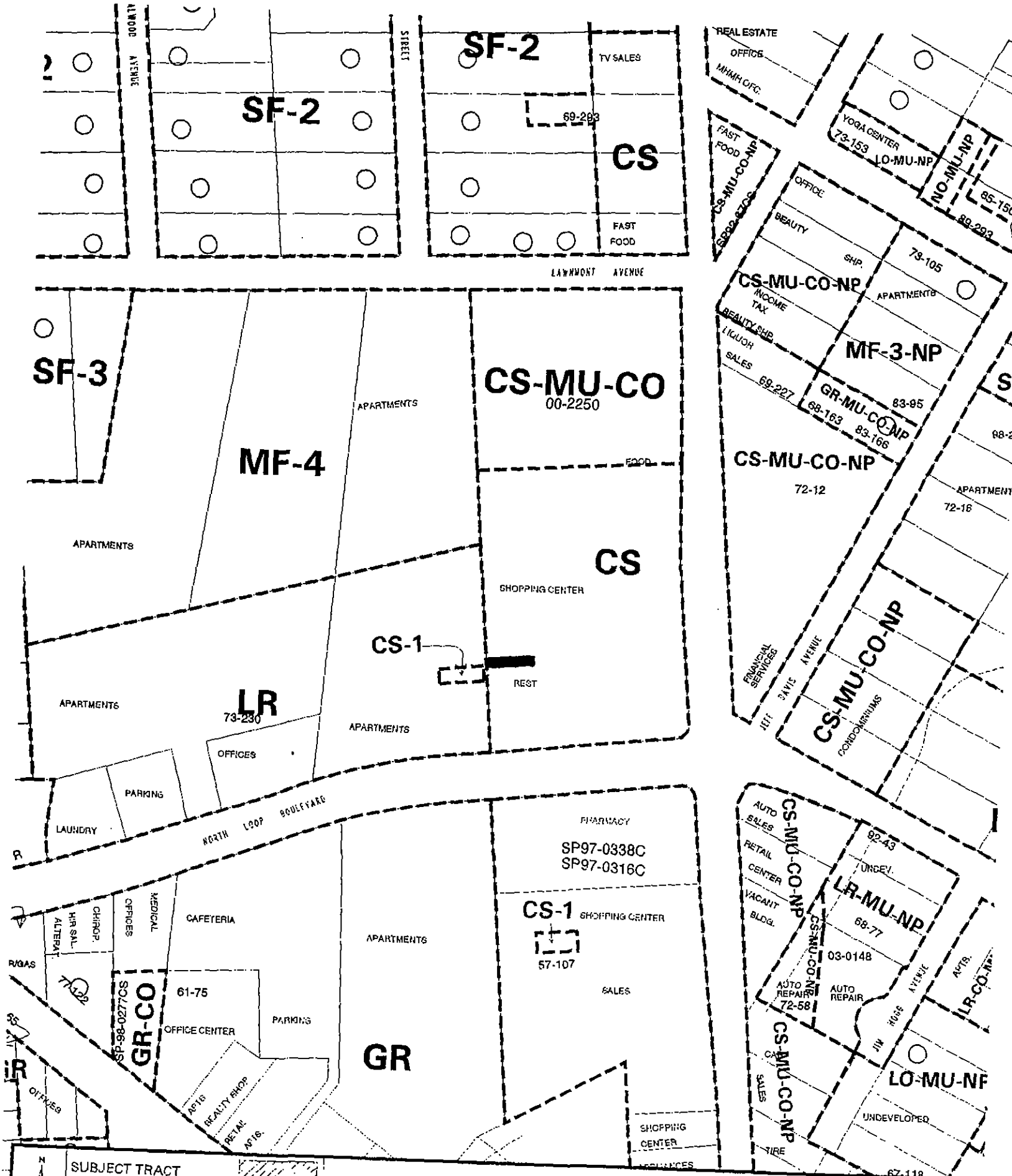
CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-00-2050	CS to CS-MU-CO	Approved CS-MU-CO. The CO prohibits the following uses: adult oriented businesses, auto rentals, auto repair, auto sales, auto washing, building maintenance services, monument sales, pawnshops, personal improvement services, restaurant (drive through), service station, limited warehousing and distribution, congregate living and residential treatment (Vote: 9-0). 2/13/01.	Approved PC recommendation (Vote: 7-0). 3/22/01.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Burnet Road	80'	Varies	Arterial
North Loop	80'	Varies	Arterial

CITY COUNCIL DATE: August 26, 2004**ACTION:** Approve CS-1 (Vote: 7-0).**ORDINANCE READINGS:** 1st 8/26/042nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



<p>1" = 200'</p>	SUBJECT TRACT	<p>CASE #: C14-04-0098</p> <p>ADDRESS: 5320 BURNET RD</p> <p>SUBJECT AREA (acres): 0.150</p>	<p>ZONING</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>J27</p>	
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: G. RHOADES				
		DATE: 04-09		INTLS: SM	



City of Austin Infrastructure Support Services

Case #C14-04-0098

Base
Subdivision



This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission from Infrastructure Support Services, City of Austin.



STAFF RECOMMENDATION

Staff recommends the proposed change to commercial liquor sales (CS-1) 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 intended predominantly for commercial and industrial activities of a service nature that typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

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

The applicant is simply adding a small amount of square footage to an existing CS-1 footprint. The proposed change is compatible with the commercial character of this portion of Burnet Road and will give the applicant a fair and reasonable use of the property.

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 in question is located on and will take access to Burnet Road, classified as an arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with what appears to be a newly constructed shopping center.

Transportation

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

The trip generation under the requested zoning is estimated to be 419 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). The proposed liquor store (661sf) will generate approximately 27 trips per day.

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 North Loop.

North Loop is classified in the Bicycle Plan as a Priority 1 bike route. (Route #28)

Capital Metro bus service is available along Burnet Road (Route #3).

Impervious Cover

The maximum impervious cover limit allowed under CS-1 is 95%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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, or offsite main extension, or utility adjustment, or utility relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be in accordance with the City's utility design criteria and specifications. The plan must be reviewed and approved by the Austin Water Utility.

Compatibility Standards

This site is not subject to compatibility development regulations.