

AGENDA



Thursday, June 8, 2006

[← Back](#)

**Zone Hearings/App Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL
ACTION**

ITEM 117 PH

Subject: C14-06-0076 - Stonegate Pharmacy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2501 West William Cannon Drive (Williamson Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on June 6, 2006. Applicant: A-K-C William Cannon, L.P. (John Cummings). Agent: Brown McCarroll, L.L.P. (Nikelle S. Meade). City Staff: Wendy Walsh, 974-7719.

Additional Backup Material

(click to open)

☐ [Staff Report](#)

For More Information: Wendy Walsh, 974-7719.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0076

Z.P.C. DATE: May 16, 2006
June 6, 2006

ADDRESS: 2501 West William Cannon Drive

OWNER: A-K-C William Cannon, L.P.
(John Cummings)

AGENT: Brown McCarroll
L.L.P. (Annick Beaudet)

ZONING FROM: LO-CO

TO: LR-CO

AREA: 0.073 acres
(3,196 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay prohibits access to Watchwood Drive.

ZONING & PLATTING COMMISSION RECOMMENDATION:

May 16, 2006: *APPROVED A POSTPONEMENT BY THE APPLICANT TO 06-06-06.*
[S. HALE; J. PINNELLI – 2ND] (8-0) J. GOHIL – ABSENT

June 6, 2006:

ISSUES:

The Applicant is in agreement with the Staff recommendation.

The Applicant is discussing this case with the Whispering Oaks Cherry Creek Area Neighborhood Association. The Applicant has also discussed this case with the Tanglewood Oaks Owners Association. Comments from neighbors within 300 feet are also attached.

Drainage Issues

Watershed Protection and Development Review Staff has provided a summary of the drainage situation with regard to The Arbors at Cannon's Gate South (SP-03-0529C) below. This site plan was reviewed and approved July 8, 2004.

This site is located just south of William Cannon Drive next to Cherry Creek. William Cannon Drive acts as a restriction to flow and therefore, backs up the water for a small segment of the Creek at the point of the development. Cherry Creek was originally located in a drainage easement which was dedicated by the property owner located just west of the Creek, while the subject development is to the east of the Creek. During the review of the Arbors at Cannon's Gate, an additional drainage easement was dedicated and the fully developed 100-year flood plain is therefore contained in the new drainage easement.

Exhibits A-2 and A-3 show the existing 100- and 500-year flood plain and the proposed FEMA flood plains, respectively.

During the construction of the site plan, an adjacent property owner contacted the City of Austin's Environmental Inspection Department with the concern that the City of Austin should not allow discharge of water to the drainage easement, since the easement is located on his property.

However, the purpose of the drainage easement is to allow conveyance of the water from off-site. After speaking with City drainage engineering review staff, the adjacent property owner retained the service of an engineering consultant. The consultant first thought that because the newly constructed pond is hydraulically connected to the drainage easement, the 100-year flood will enter the pond and remove useful volume from the pond. City drainage engineering review staff on the other hand believes that since the detention is located outside the flood plain, it will add more volume to contain the flood plain, provided the peak from the upstream and from the development do not arrive at the same time. Furthermore, this added flood plain volume will help the adjacent property owner. The engineering consultant was able to get the Applicant's engineer to run some analysis and additional analysis was performed by City drainage engineering review staff using the latest Cherry Creek data from Watershed Engineering. The analysis supports the viewpoint that the two peaks do not arrive at the same time. The adjacent property owner's engineer concurs with the result but wants the sealing engineer to file an addendum to the engineering report documenting the Study. The sealing Engineer believes that since there is no adverse effect created, no additional work is required.

DEPARTMENT COMMENTS:

The subject rezoning area is a lease space in a building under construction and is zoned limited office – conditional overlay (LO-CO) by way of a 1996 zoning case. The Conditional Overlay prohibits access to Watchwood Drive and establishes a 2,000 daily trip limit. The lease space and surrounding office buildings under construction have access to West William Cannon Drive, a major arterial roadway. There are other medical office buildings to the west and east of the Arbors at Cannon's Gate development, and single family residences within the Whispering Oaks IV subdivision to the south. There is a 30 foot wide "greenbelt" area between the Arbors at Cannon's Gate and the single family residences to the south (platted as a residential buffer setback). The greenbelt is one item within a private Restrictive Covenant that includes several development-related provisions including fencing, building height, permitted uses, access, lighting and impervious cover. Please refer to Exhibits A (Zoning Map), A-2 (Aerial), B (Recorded Plat) and C (Approved Site Plan).

The Applicant has requested neighborhood commercial – conditional overlay (LR-CO) combining district zoning to locate a pharmacy within the lease space (this is a general retail sales (convenience) use). The Conditional Overlay would continue to prohibit access to Watchwood Drive. Staff supports the Applicant's request for footprint LR-CO zoning as it provides limited retail space to serve the surrounding neighborhoods and captures pass-by traffic on William Cannon Drive, is compatible with the office uses under construction, and the residential setback buffer between the Arbors at Cannon's Gate and Whispering Oaks IV

is maintained. The Conditional Overlay continues to prohibit access to Watchwood Drive to the south.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-CO	Office building under construction
<i>North</i>	LO-CO	Undeveloped
<i>South</i>	SF-3	Single family residences
<i>East</i>	LO-CO	Office building under construction; Dentist's office; Single family residences
<i>West</i>	LO-CO; LO	Office building under construction; Medical offices

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPTOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

12 – Brodie Lane Homeowners Association
 77 – Southwest Oaks – Shiloh Neighborhood Association
 288 – City of Sunset Valley 385 – Barton Springs Coalition
 428 – Barton Springs / Edwards Aquifer Conservation District
 461 – Cherry Creek SW Neighborhood Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowner's Association
 742 – Austin Independent School District 943 – Save Our Springs Alliance
 997 – Tanglewood Oaks Owners Association

SCHOOLS:

Cunningham Elementary School Covington Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0067 (Ford Tract North)	SF-3 to LO-CO	To Grant LO-CO with conditions	Approved LO-CO with the CO prohibiting access to Aldford Drive and 2,000 trips per day (10-3-96).

RELATED CASES:

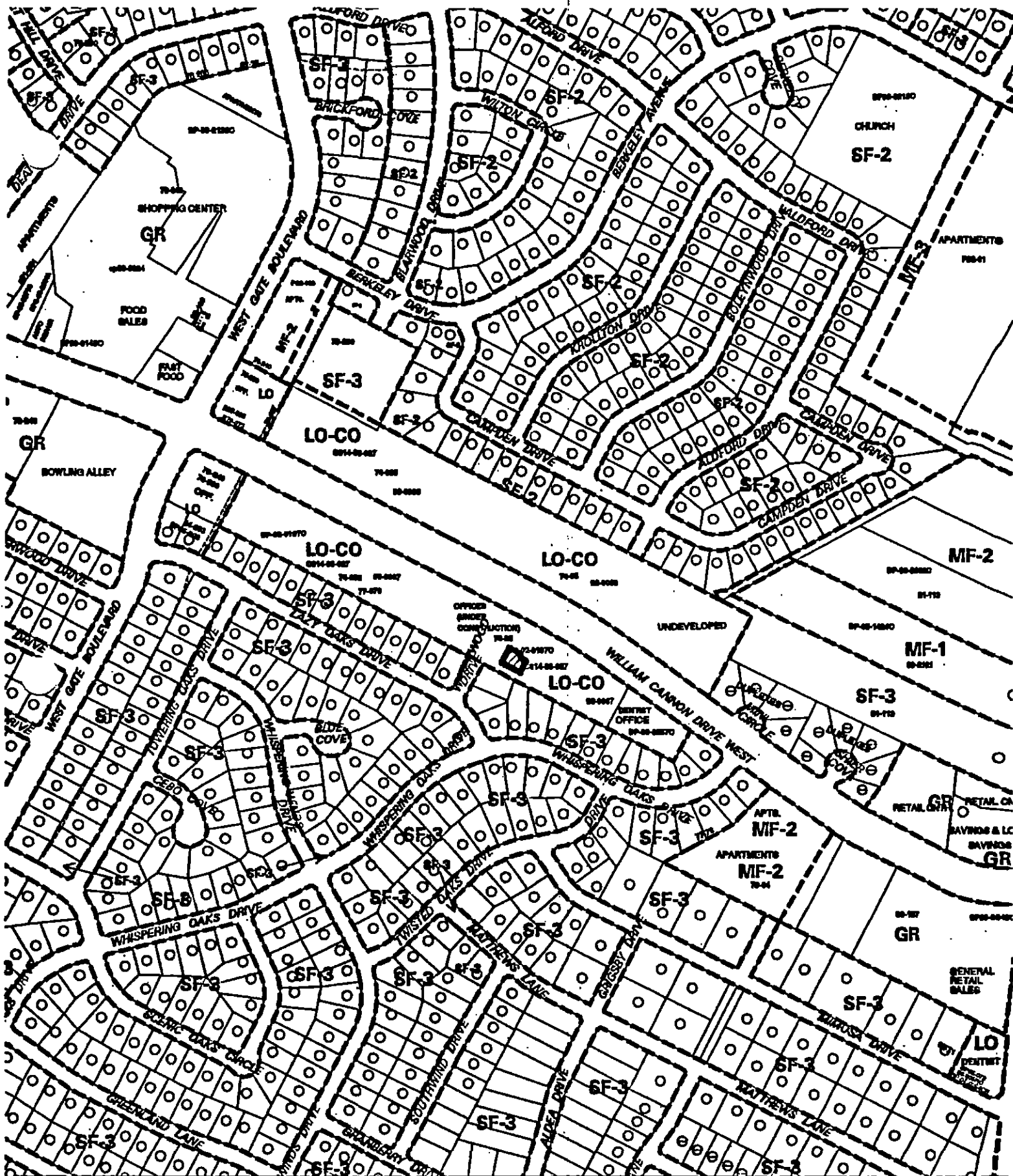
The larger property which contains this lease space was rezoned to LO-CO in September 1996 (C14-96-0067). The Conditional Overlay prohibits access to Watchwood Drive and limits development to 2,000 daily trips.





The rezoning area is located within Tract 1, Block A, Lot 1 of the Arbors at Cannon's Gate subdivision, recorded in July 2002. A Site Plan for the development of Lot 1 was approved in July 2004. Please refer to Exhibits B and C.

ABUTTING STREETS:

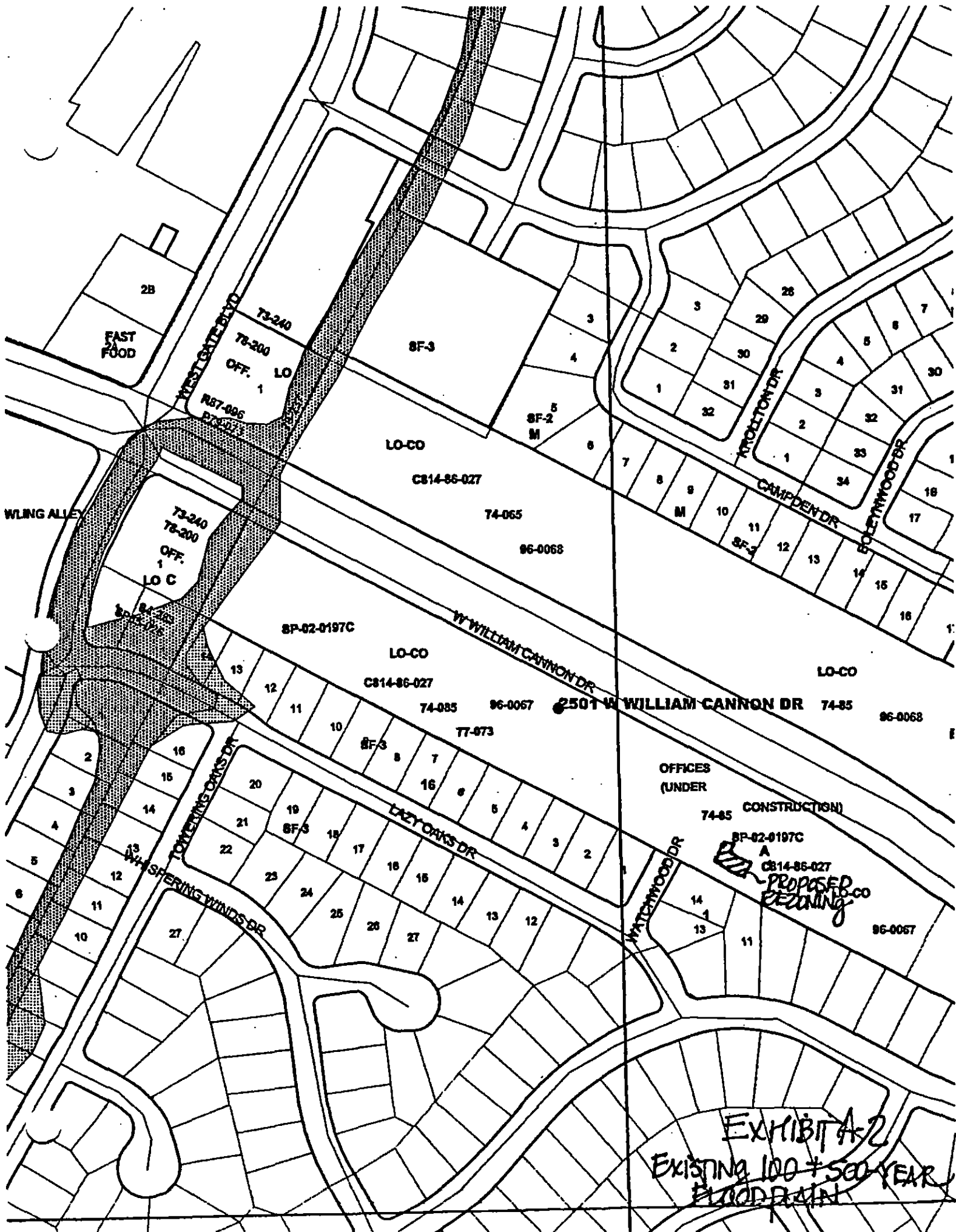
NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
West William Cannon Drive	130 feet	Varies	Arterial	Yes	Yes	Yes

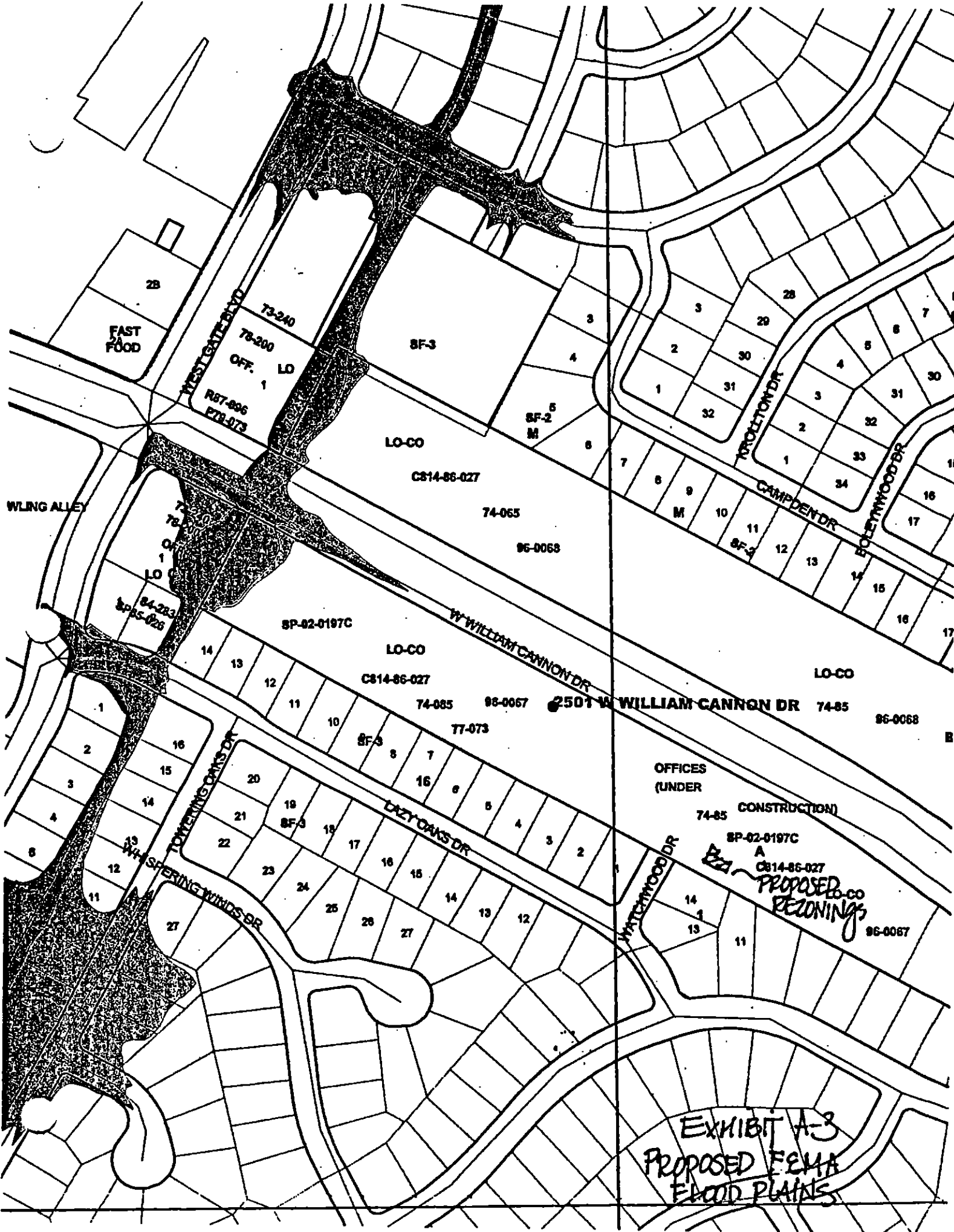
CITY COUNCIL DATE: June 8, 2006**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719



 <p>1"=400'</p> <p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p>	<p>CASE #: C14-06-0076</p> <p>ADDRESS: 2501 W WILLIAM CANNON</p> <p>SUBJECT AREA (acres): 0.073</p>	<p>ZONING Exhibit A</p> <p>DATE: 06-05</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>F17</p>
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FAST
FOOD

WEST GATE BLVD
73-240
78-200
OFF. LO
RST-896
PT-073

SF-3

LO-CO

C814-86-027

74-065

96-0068

WILING ALLEY

LO-CO
84-223
SP-05-026

SP-02-0197C

LO-CO

C814-86-027

74-085

96-0067

2501 W WILLIAM CANNON DR 74-85

LO-CO

96-0068

W WILLIAM CANNON DR

OFFICES
(UNDER

74-85

CONSTRUCTION)

SP-02-0197C

A
C814-86-027

PROPOSED
FLOOD PLAINS

96-0067

TOYENING OAKS DR
SP-05-026

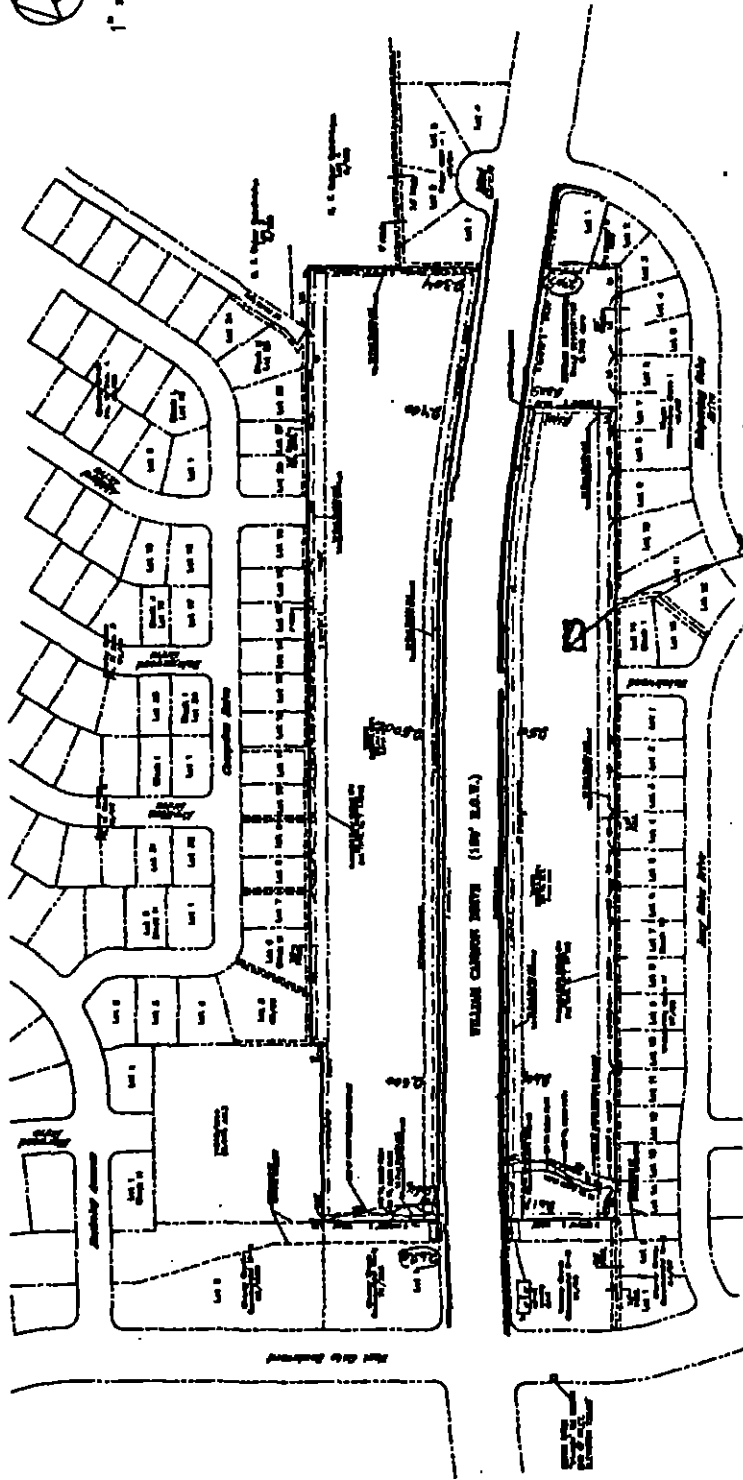
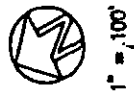
LAZYBONES DR

WILLIAM CANNON DR

EXHIBIT A-3
PROPOSED FEMA
FLOOD PLAINS

2002001616

THE ARBORS AT CANNON'S GATE FINAL PLAT



- 1. THE LOTS AND EASEMENTS SHOWN ON THIS PLAT ARE THE RESULT OF A SURVEY MADE BY THE SURVEYOR.
- 2. THE LOTS AND EASEMENTS SHOWN ON THIS PLAT ARE THE RESULT OF A SURVEY MADE BY THE SURVEYOR.
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- 9. THE LOTS AND EASEMENTS SHOWN ON THIS PLAT ARE THE RESULT OF A SURVEY MADE BY THE SURVEYOR.
- 10. THE LOTS AND EASEMENTS SHOWN ON THIS PLAT ARE THE RESULT OF A SURVEY MADE BY THE SURVEYOR.

Survey Plat

- LEGEND
- 1. LOT
- 2. EASEMENT
- 3. ROAD
- 4. RAILROAD
- 5. CANAL
- 6. DRAINAGE
- 7. FENCE
- 8. UTILITY
- 9. OTHER

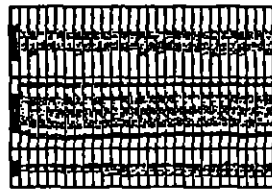
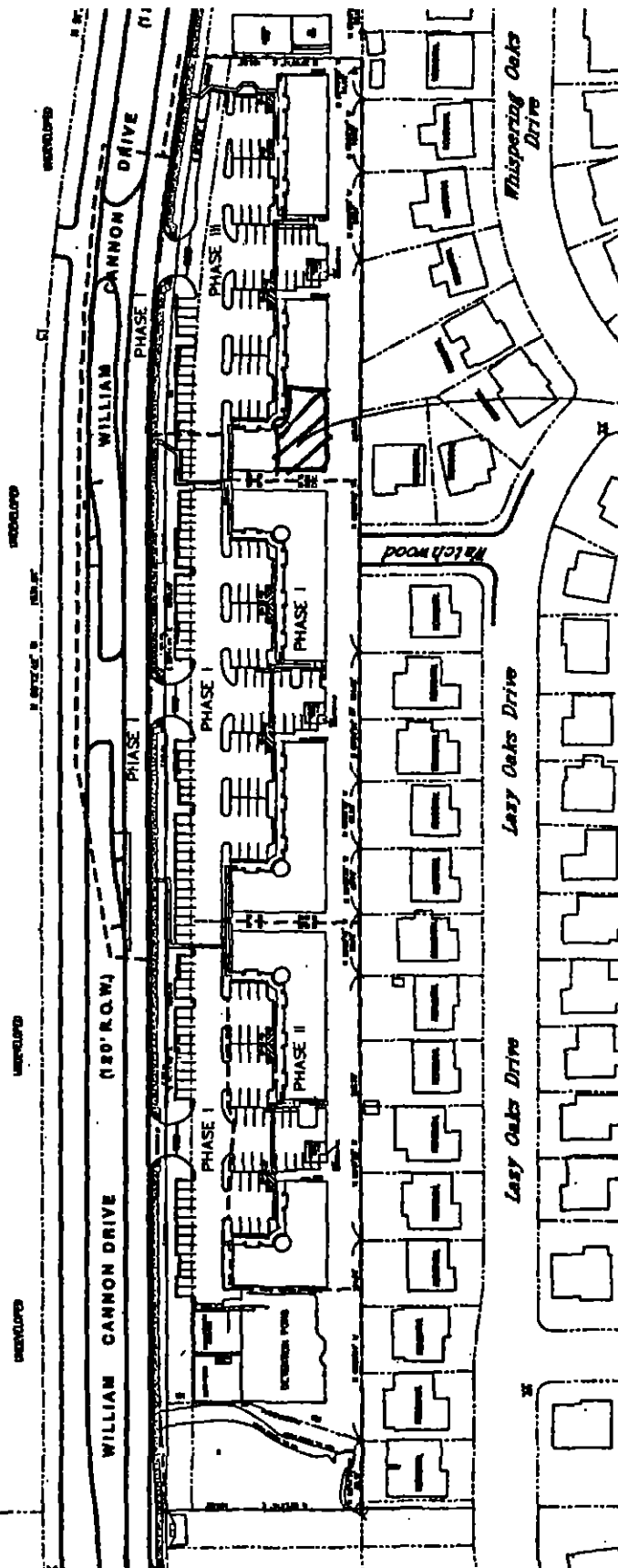


Exhibit B
RECORDED SUBDIVISION PLAT

RECORDING AREA

800 County Environmental, Inc.
C8-01-0264.0A
SHEET 1 OF 2

[illegible]

REFZONING REQUEST

1962. The first experiment in the study of the effects of the amount of light on the growth of the plant was conducted in the greenhouse. The plants were grown in a greenhouse with a constant temperature of 20°C. The amount of light was varied by using different intensities of light. The results showed that the plants grown under high light intensity had a higher growth rate than those grown under low light intensity. The second experiment was conducted in the field. The plants were grown in a field with a constant temperature of 20°C. The amount of light was varied by using different intensities of light. The results showed that the plants grown under high light intensity had a higher growth rate than those grown under low light intensity.

Exhibit C
APPROVED SITE PLAN

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay prohibits access to Watchwood Drive.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

The site borders on two established neighborhoods, the Whispering Oaks IV neighborhood directly south and Phase III of the Cherry Creek neighborhood on the north side of William Cannon Drive. The site would primarily serve these neighborhoods while also serving the community by capturing "pass by" traffic from West William Cannon Drive as this arterial roadway is heavily used during the AM and PM peak traffic hours.

EXISTING CONDITIONS**Site Characteristics**

The Arbors at Cannon's Gate is under construction for office buildings. There appear to be no significant topographical constraints on the site.

Impervious Cover

The amount of impervious cover shown on the approved Site Plan is 59.5%. No changes to impervious cover are contemplated with the rezoning application.

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 Williamson 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. 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%

According to flood plain maps, there is a floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

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.

Transportation

LR zoning for a 0.073 acre parcel would result in the generation of 460 trips per day.

Water and Wastewater

The landowner intends to serve the site with City of Austin 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, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

Compatibility Standards

This lot has an approved Site Plan (SP-03-0529C) and is complying with compatibility standards, including the residential buffer / setback along the south property line, adjacent to the Whispering Oaks IV subdivision.



CARLSON CHIROPRACTIC

6905 Westgate Blvd. Ste. A • Austin, Texas 78745-4808
512-447-9093 Office 512-447-3366 Fax

4/21/2006

City of Austin
Zoning and Platting Commission
P.O. BOX 1088
Austin, TX 78867

ATTN: Wendy Walsh

RE: Rezoning of 2501 W. Wm. Cannon
Case #: C14-06-0076

Wendy,

Thank you for returning my call today about my concerns of the rezoning of the property 2501 W. Wm. Cannon, Austin, TX case number C14-06-0076.

This letter is to make your commission aware of a current concern about the viability of the water retention pond on the property of The Arbors of Cannons Gate at 2501 W. Wm. Cannon on the south side of Wm. Cannon Dr. and just east of my property at 6905 Westgate Blvd.. Currently, the developer of The Arbors of Cannons Gate has created a water retention pond that was permitted by the City of Austin. After the developer excavated a portion of my land to drain the water into the creek I became concerned about the water retention pond concentrating water onto my property. I have talked with Phil Houlton, Environmental Inspector for the City of Austin and with Benny Ho, City of Austin Engineer. After talking with Benny Ho he told me to get an engineer so we could talk about the project and whether or not the water retention pond was developed properly. I did hire I.T. Gonzales, engineer as my consultant for the review of records to determine if the development of The Arbors of Cannons Gate would cause adverse flooding on my property. Currently, Mr. Gonzales is talking with Benny Ho and Bill McCurly to determine if the water retention pond is developed properly or would concentrate water adversely onto my property. Currently, Mr. Gonzales is very concerned that the water retention pond in question does not work properly.

No further development or rezoning should be allowed until the City of Austin can prove to us that the water retention pond of The Arbors of Cannons Gate does indeed function properly and will not concentrate water adversely onto my property. Allowing another project in such close proximity could again cause a backup of flood waters onto my property causing damage to my building or property.

Please keep me posted on the Zoning and Platting Commission response to this unresolved concern.


John D. Carlson, D.C.

Cc: I.T. Gonzales, Engineer

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0076

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

May 16, 2006 Zoning and Platting Commission

James J. Nicoletto

Your Name (please print)

7010 Whispering Oaks Drive

78745

Your address(es) affected by this application

James J. Nicoletto

Signature

5/8/2006

Date

Comments: I strongly object to this zoning change. Some of the buildings are within approximately 30 feet of my property. Shopping facilities mean more activity - noise, extended hours including weekends and issues with excessive lighting.

At a minimum, if this change is approved, the owner should be required to install a high, effective and deadening fence, have restricted hours of direct lighting away from residences.

We've put up with construction for 21 to 24 years. If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

they are even

finishing, they are going for re zoning. Exasperating

and now before

Walsh, Wendy

From: Nikelle Meade [NMeade@mailbmc.com]
sent: Tuesday, May 16, 2006 5:35 PM
to: Walsh, Wendy
Subject: Case C14-06-0076 - Stonegate Pharmacy - Request for Postponement

Wendy:

We hereby request postponement of the case to June 6, 2006, so that we may continue discussions with the adjacent neighbors. Please forward this request to Chairman Baker and members of the Zoning and Platting Commission. Thank you.

Nikelle S. Meade, Partner, Business and Real Estate Group Brown McCarroll, L.L.P.
111 Congress Avenue, Suite 1400
Austin, TX 78701-4043
512.479.1147/Direct
512.479.1101/Fax
512.699.6166/Mobile
nmeade@mailbmc.com
www.brownmccarroll.com

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