

A U S T I N C I T Y C O U N C I L
AGENDA

Thursday, September 28, 2006

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**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 93

Subject: C14-06-0137 - CVS William Cannon at MoPac - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4001 West William Cannon Drive (Williamson Creek Watershed-Barton Springs Zone) from limited office-conditional overlay (LO-CO) combining district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Rancho Garza, Ltd. (Ron White) and C. Daniel Wheelus. Agent: Drenner Golden Stuart Wolff, L.L.P. (Michelle Haussmann). City Staff: Wendy Walsh, 974-7719.

**Additional Backup
Material**

(click to open)

- ☐ Staff Report
- ☐ Ordinance

For More Information: Wendy Walsh, 974-7719.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0137

Z.A.P. DATE: August 15, 2006

ADDRESS: 4001 West William Cannon Drive

OWNER: Rancho Garza, Ltd. (Ron White)
& C. Daniel Wheelus

AGENT: Drenner & Golden
Stuart Wolff, LLP
(Michele Haussmann)

ZONING FROM: LO-CO

TO: LR

AREA: 3.971 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-2-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000 and requires a 50-foot wide undisturbed vegetative buffer along the east property line.

ZONING & PLATTING COMMISSION RECOMMENDATION:

August 15, 2006: *APPROVED STAFF'S RECOMMENDATION FOR LR-CO ZONING; BY CONSENT.*

[J. MARTINEZ, J. PINNELLI 2ND] (8-0) K. JACKSON – ABSENT

ISSUES:

The Applicant is in agreement with recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The subject property is undeveloped and zoned limited office – conditional overlay (LO-CO) by way of a 1989 zoning case. The Conditional Overlay established a 50-foot wide undisturbed vegetative buffer along the east side, adjacent to single family residences within the Bannockburn neighborhood. The property has access to West William Cannon Drive and MoPac Expressway, both major arterial roadways. There is an approved site plan for a personal improvement services use directly to the south (a GR use within a planned unit development – PUD), restaurants and undeveloped land to the north (GR), and commercial uses to the west across MoPac (PUD, GR-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial).

The Applicant has requested neighborhood commercial – conditional overlay (LR-CO) combining district zoning in order to construct a pharmacy (this is a general retail sales (convenience) use). The Conditional Overlay would continue the undisturbed buffer that was established with the 1989 case and establish a 2,000 trip limit. Staff supports the Applicant's request for LR-CO zoning as it provides retail space to serve the surrounding neighborhoods and captures pass-by traffic on arterial roadways, is compatible with recent and proposed

commercial development, and maintains the vegetative buffer to the Bannockburn neighborhood.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|---|
| <i>Site</i> | LO-CO | Undeveloped |
| <i>North</i> | GR-CO; GR | Restaurant (limited); Restaurant (general); Undeveloped |
| <i>South</i> | PUD | Proposed for a 111,000 square foot personal improvement services use |
| <i>East</i> | SF-2 | Single family residences |
| <i>West</i> | PUD; GR-CO | Southwest corner of MoPac and William Cannon Drive: Retail sales (general); Financial services |

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Williamson Creek –
Barton Springs Zone
(Recharge)

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAYS: Yes, William Cannon
& MoPac

NEIGHBORHOOD ORGANIZATIONS:

288 – City of Sunset Valley
298 – Oak Hill Association of Neighborhoods (OHAN)
384 – Save Barton Creek Association 385 – Barton Springs Coalition
428 – Barton Springs / Edwards Aquifer Conservation District
627 – Onion Creek Homeowners Association
705 – OHAN 78735 706 – OHAN 78737 707 – OHAN 78737 708 – OHAN 78738
709 – OHAN 78749 710 – OHAN – 78749
742 – Austin Independent School District
943 – Save Our Springs Alliance
967 – Circle C Neighborhood Association
997 – Tanglewood Oaks Owners Association

SCHOOLS:

Sunset Valley Elementary School Covington Middle School Crockett High School

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|--|--------------------------|----------------------------|-------------------------------|
| C814-98-0001.02 (Life Time Fitness) | PUD to PUD, to change | To Grant PUD amendments | Approved PUD amendments as |

| | | | |
|--|--|--|---|
| | conditions of zoning | | recommended by the Environmental Board and the ZAP (6-22-06). |
| C814-98-0001.01 (Southwest Marketplace) | PUD to PUD, to change the conditions of zoning | To Grant PUD with the Restrictive Covenant for the Traffic Phasing Agreement | Approved PUD with conditions as recommended by the Environmental Board and ZAP (9-2-04). |
| C14-96-0139 – M-Tract (HEB Grocery) | LI-PDA to GR | To Grant GR with conditions in a Restrictive Covenant | Approved GR (4-24-97). |
| C14-88-0068 (Garza Place) | DR; SF-2 to GR; MF-2; P (for r-o-w) | To Grant with conditions | Approved RR; MF-2-CO; LO-CO; GR-CO. Conditional Overlays pertain to permitted uses, fence, buffer, access, F.A.R. and number of dwelling units. Restrictive Covenant for hours of operation, and conditions for gas station storage sites (3-9-89). |

RELATED CASES:

The subject property was one of several tracts known as Garza Place, a 1988 – 1989 zoning case that consisted of land at all four corners of the MoPac and William Cannon Drive intersection (C14-88-0068). This rezoning area was known as Tract 4 and approved for LO-CO with the Conditional Overlay for an undisturbed vegetative buffer along the eastern property line and adjacent to existing residential development.

It is platted as Lot 1, Block C of Garza Ranch, a subdivision that was recorded in September 1991 (C8-91-0019.0A). Please refer to Exhibit B. There are no related site plan cases on the subject property.

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bus Route | Bike Route |
|---------------------------|--------|-------------|----------------|-----------|-----------|------------|
| West William Cannon Drive | Varies | 2 @ 33 feet | Arterial | No | No | Priority 2 |
| MoPac Expressway | Varies | Varies | Arterial | No | No | No |

CITY COUNCIL DATE: September 28, 2006

ACTION:

ORDINANCE READINGS: 1st

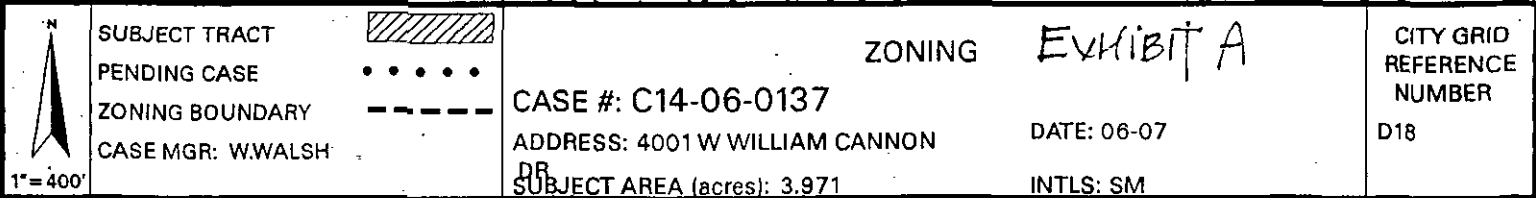
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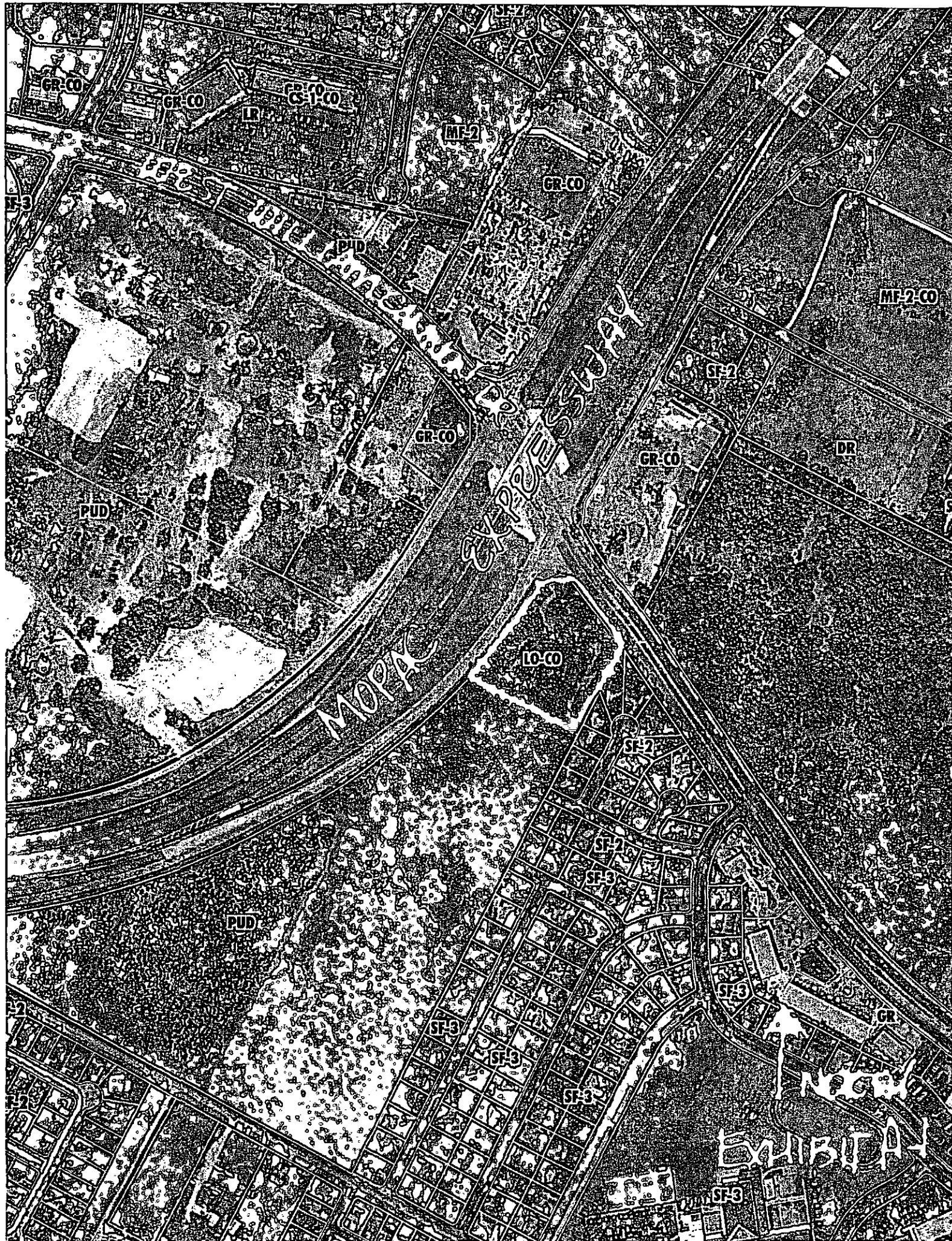
3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719





SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-2-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000 and requires a 50-foot wide undisturbed vegetative buffer along the east property line.

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 the established Bannockburn neighborhood to the east.

2. Zoning changes should promote compatibility with adjacent and nearby uses.

Staff supports the Applicant’s request for LR-CO zoning as it provides retail space to serve the surrounding neighborhoods and captures pass-by traffic on William Cannon Drive, is compatible with recent and proposed commercial development, and maintains the vegetative buffer to the Bannockburn neighborhood.

EXISTING CONDITIONS**Site Characteristics**

The site is undeveloped and relatively flat.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 60% (without transfer), as established by way of a City settlement regarding watershed regulations applicable to this tract.

Environmental

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. It is in the Drinking Water Protection Zone.

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

The site is located within the endangered species survey area.

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

Transportation

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

The trip generation under the requested zoning is estimated to be 5,152 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]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated City inspection fees.

Compatibility Standards

In the Barton Springs Zone, no individual retail use may exceed 50,000 square feet and no food sales use may exceed 100,000 square feet. [Sec. 25-2-651]

The site is subject to compatibility standards. Along the east 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.

FYI - This site is located within the scenic roadway corridors for Mopac and William Cannon Drive.

Westcreek Neighborhood ASSOCIATION

P.O. Box 91373
Austin, TX 78709-1373
<http://westcreekna.org/>

August 10, 2006

Ms. Wendy Walsh
Neighborhood Planning and Zoning Department
City of Austin
P.O. Box 1088
Austin, TX 78767

Re: Zoning Case Number C14-06-0137 (SE corner of William Cannon and MoPac)

Dear Ms. Walsh:

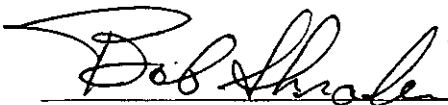
The Westcreek Neighborhood Association supports the proposed zoning change of the above referenced tract from LO to LR zoning. Please include a copy of this letter in your files and provide a copy to the members of the Zoning & Platting Commission to consider when voting on the request for zoning change.

The representatives of the developer have collaboratively worked with our Association and others in the area to seek and include our input in this project. We appreciate their efforts, and believe this requested zoning change is appropriate and positive.

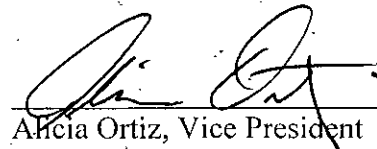
The Westcreek Neighborhood Association's Executive Committee looks forward to your vote to approve the proposed zoning change. Please do not hesitate to call any of our Executive Committee members should you have any questions or comments.

This letter complies with the WNA bylaws requirement that letters to the City communicating neighborhood association position on zoning matters be signed by two officers.

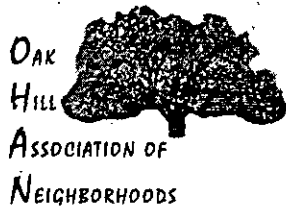
Sincerely,



Bob Shrader, President



Alicia Ortiz, Vice President



August 10, 2006

Ms. Wendy Walsh
City of Austin
Neighborhood Planning and Zoning Department

Re: Zoning Case Number C14-06-0137
Southeast corner of William Cannon and Mopac

Dear Ms. Walsh:

The Oak Hill Association of Neighborhoods, at a regular meeting held on August 9, 2006, has voted to support the proposed zoning change of the above referenced tract from LO to LR. Please include a copy of this letter in your files and provide a copy to the members of the Zoning & Platting Commission to consider when voting on the request for zoning change.

The representatives of the developer have collaboratively worked with our organization and others in the area to seek and include our input in this project. We appreciate their efforts, and believe this requested zoning change is appropriate and positive.

The Oak Hill Association of Neighborhoods looks forward to your vote to approve the proposed zoning change. Please do not hesitate to contact me or any of our Executive Committee members should you have any questions or comments.

Sincerely,

Bruce Perrin
President
Oak Hill Association of Neighborhoods

3901 Glasgow Drive
Austin, TX 78749

August 14, 2006

Wendy Walsh
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Case No. C14-06-0137.

Dear Ms. Walsh:

The Bannockburn Neighborhood Association supports the application to re-zone and develop the property on the south^{east} corner of Mopac Boulevard and William Cannon into a CVS pharmacy. Our neighborhood association has worked closely with John Donisi and CVS to craft a restrictive covenant that satisfies our concerns as homeowners.

Although the definitive plans are not available and we have not finalized the restrictive covenant, I have every confidence that we have reached an agreement. Mr. Donisi and his colleagues have been a pleasure to work with and they should be commended for the respect and responsiveness they've demonstrated toward our neighborhood. We do, however, reserve the right to revoke our support should the development plans change in any substantive way.

Please feel free to contact me with any questions.

Sincerely,



Elisabeth Piedmont-Marton
Bannockburn Neighborhood
Association

Western Oaks Property Owners Association

August 14, 2006

City of Austin
Zoning and Platting Commission
One Texas Center
Austin, Texas 78704

Re: Case No. C14-06-0137

Dear Commissioners:

The Land Development Committee of the Western Oaks Property Owners Association has been in ongoing negotiations with the Developer of the tract involving the above referenced zoning change request. We have reached agreement regarding most of the issues discussed; however, at this time we still have concerns related to the Site Plan. Our main concerns are regarding the percentage of masonry being used and the signage being proposed for the building. We are continuing to negotiate with the Developer regarding these issues.

For those reasons, we are unable to support or oppose this request for zoning modification at this time. Furthermore, we hereby reserve the right to oppose this project in the future should we be unable reach agreement. Our goal is for this project to maintain a standard compatible with the surrounding developments and our neighborhood.

Regards,



Land Development Committee
Western Oaks Property Owners Association

cc: City of Austin Staff
Drenner & Golden Stuart Wolfe
Honorable Will Wynn
Honorable Austin City Council Members

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4001 WEST WILLIAM CANNON DRIVE FROM LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited office-conditional overlay (LO-CO) combining district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-06-0137, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1, Block C, Garza Ranch Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 90, Page 5, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 4001 West William Cannon Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. A 50-foot wide vegetative buffer shall be provided and maintained along the east property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district and other applicable requirements of the City Code.

1
2 **PART 3..** This ordinance takes effect on _____, 2006.
3
4

5 **PASSED AND APPROVED**
6

7
8
9 _____, 2006

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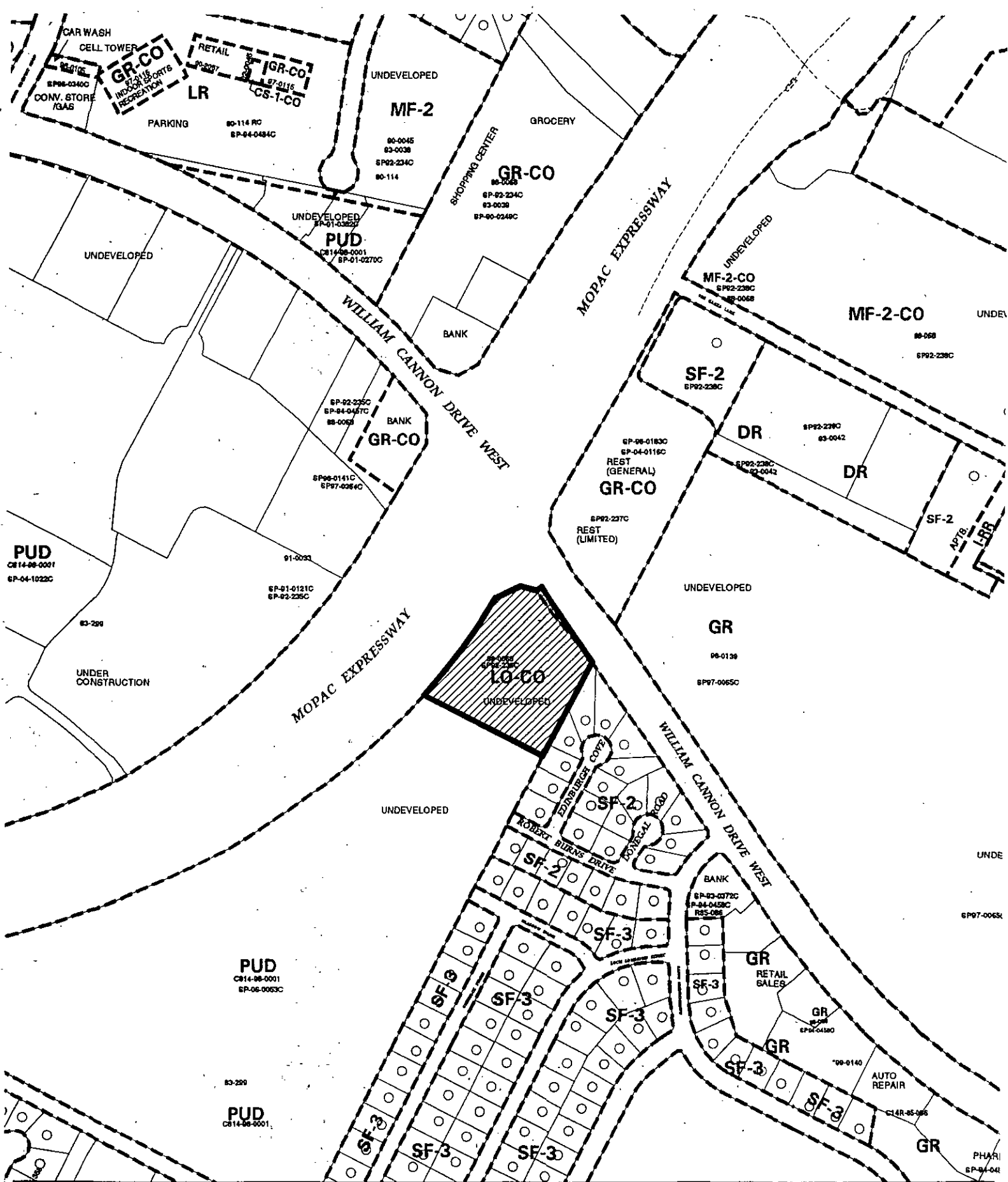
Will Wynn
Mayor

10
11
12
13
14 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk



| | | | | |
|---------------|---|--|--|---|
| 1" = 400' | SUBJECT TRACT | ZONING EXHIBIT A | | CITY GRID REFERENCE NUMBER D18 |
| | PENDING CASE | | | |
| | ZONING BOUNDARY | CASE #: C14-06-0137 ADDRESS: 4001 W WILLIAM CANNON DATE: 06-07 | | |
| | CASE MGR: W.WALSH SUBJECT AREA (acres): 3.971 INTLS: SM | | | |