



Thursday, October 05, 2006

Back Print

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

**ITEM No. 46**

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**Subject:** C14-06-0167 - 13205 U.S. Highway 183 North - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13205 U.S. Highway 183 North (Lake Creek Watershed) from community commercial (GR-CO) combining district zoning to commercial-liquor sales (CS-1)district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: Merced and Draciela U. Benitez. Agent: Lenworth Consulting (Nash Gonzales). City Staff: Sherri Sirwaitis, 974-3057.

**Additional Backup Material**

(click to open)

- ☐ **Staff Report**
- ☐ **Ordinance**

**For More Information:** Sherri Sirwaitis, 974-3057.

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-06-0167

**ZAP DATE:** September 5, 2006

**ADDRESS:** 13205 U.S. Highway 183 North

**OWNER/APPLICANT:** Merced and Draciela U. Benitez

**AGENT:** Lenworth Consulting (Nash Gonzales)

**ZONING FROM:** GR-CO      **TO:** CS-1

**AREA:** 0.4851 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

9/05/06: Approved staff's recommendation of CS-1-CO zoning on consent (8-0, J. Shieh-absent); J. Martinez-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a retail sales use (Mexico Lindo Imports). The applicant is requesting CS-1 zoning to redevelop the site with a cocktail lounge. The staff is recommending CS-1-CO district zoning for this location because the property meets the purpose statement of the CS-1 district as it fronts onto and will take access from a major arterial roadway, U.S. Highway 183 North. This tract of land is located adjacent to existing commercial and industrial uses. The proposed zoning will promote consistency and orderly planning because there is CS-CO and LI-CO zoning to the north and GR and LR zoning to the south and west of the subject tract.

The applicant agrees with the staff's recommendation.

### **EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	GR-CO	Retail Sales (Mexico Lindo Imports)
North	LI-CO	Industrial Office/Warehouse (Roxie Business Center – DWC, River City Aquariums & Tropical Fish, Hardtailz Choppers, Port Pros, House of Divine Purpose, First Quality Flooring, Classic Edge Knives, A to Z Electronics)
South	GR	Service Station/Car Wash
East	SF-2, I-SF-2	Industrial Office/Warehouse (Cable Communications, Karen Borders Realtors, Gold Rush Realty, Southwest Real Estate Appraisers, Blaich & Associates, Electronic Corporate Pages, R. D. Stallings), Used Automotive Sales
West	LR	Automotive Rentals (Enterprise Auto Rental)

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Lake Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

157 – Courtyard Homeowner Association  
416 – Long Canyon II Homeowners Association, Inc.  
426 – River Place Residential Community Association, Inc.  
475 – Bull Creek Foundation  
901 – Tanglewood Estates Neighborhood Association

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0107	I-SF-2 to LI	6/20/06: Approved staff's recommendation for LI-CO zoning by consent (7-0, J. Gohil, S. Hale – absent)	7/27/06: Approved LI-CO district zoning (7-0); all 3 readings
C14-05-0143	I-RR to Tract 1: GR, Tract 2: CS-1	9/20/05: Approved GR-CO for Tract 1 and CS-1-CO for Tract 2, prohibit on-site consumption, limit to 2,000 vehicle trips per day (9-0)	10/27/05: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2 by consent (6-0, Alvarez-off dias); all 3 readings
C14-04-0157	I-RR to CS	11/2/04: Approved staff's recommendation of CS-CO zoning by consent (9-0)	12/02/04: Approved CS-CO (7-0); all 3 readings
C14-03-0169	I-SF-2 to CS-CO	12/16/03: Approved staff's recommendation for CS-CO by consent (8-0, C. Hammond-absent)	1/15/04: Approved PC rec. of CS-CO by consent (6-0, Mc Cracken-off dias); all 3 readings
C14-02-0159	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR-CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking,

			Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-02-0158	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR-CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-01-0163	I-RR to CS-CO	12/11/01: Approved staff's recommendation of CS-CO zoning, adding a condition prohibiting vehicle storage (6-0, A. Adams, V. Aldridge-Left Early)	1/17/02: Approved CS-CO on 3 readings (6-0, Wynn out of room)

C14-01-0111	I-RR, SF-2 to GR	11/27/01: Approved staff rec. of GR by consent (8-0)	1/10/02: Postponed to 1/31/02 at the request of the applicant (7-0)  1/31/02: Approved GR on all 3 readings (6-0, Goodman-off dias)
C14-01-0074	I-RR to LI	6/19/01: Approved staff's alternate recommendation of CS-CO district zoning, with CO limiting the site to 2,000 vtpd, by consent (7-1, Cravey-Nay, Garza-Absent)	7/19/01: Approved CS-CO, all 3 readings
C14-99-2036	I-RR to GR	10/5/99: Approved GR-CO (7-1, RC-Nay) w/ only permitted GR use being a car wash and prohibiting the following uses: Automotive Rental, Automotive Repair Services, Automotive Sales, Business Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Restaurant (General), Theater, Hospital Services (General), Off-Site Accessory Parking	11/4/99: Approved GR-CO (6-0); all 3 readings
C14-98-0238	I-RR to CS	2/2/99: Approved staff alternate rec. of CS-CO, limiting the site to 2,000 vtpd (8-0)	3/4/99: Approved CS-CO (7-0); all 3 readings

C14-98-0229	I-SF-2 to GR	1/19/99: Approved staff rec. of GR-CO, limiting the site to 2,000 vtpd	2/25/99: Approved PC rec. of GR-CO (7-0); all 3 readings
C14-98-0201	I-SF-2 to LI	12/8/98: Approved LI by consent (8-0)	1/7/99: Approved LI-CO w/ condition of 2,000 vehicle trips per day limit (7-0); all 3 readings
C14-98-0199		1/12/99: Approved GR-CO zoning, limiting the site to 2,000 vtpd	2/11/99: Approved PC rec. of GR-CO (5-0); all 3 readings
C14-98-0198	I-RR to GR	1/19/99: Approved staff rec. of GR-CO zoning, limiting the site to 2,000 vtpd (9-0)	2/25/99: Approved PC rec. of GR-CO (7-0), all 3 readings
C14-98-0167	I-SF-2 to CS	11/17/98: Approved staff alternate rec. of CS-CO, w/ 2,000 vehicle trips per day limit, by consent (9-0)	1/21/99: Approved CS-CO w/ conditions (7-0); all 3 readings
C14-98-0152	I-RR to CS	11/10/98: Approved staff alternate rec. of CS-CO, prohibiting adult oriented businesses, by consent (8-0)	12/10/98: Approved CS-CO, with CO limiting the site to 2,000 vtpd (7-0, 1 <sup>st</sup> )  2/25/99: Approved CS-CO (7-0, 2 <sup>nd</sup> / 3 <sup>rd</sup> )
C14-98-0099	I-RR to CS	8/18/98: Approved CS-CO, w/ 2,000 vehicle trips per day limit, by consent (7-0)	10/8/98: Approved PC rec. of CS-CO w/ conditions (6-0); 1 <sup>st</sup> reading  12/10/98: Approved CS-CO w/ conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0097	I-RR to CS	8/18/98: Approved CS-CO, w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 <sup>st</sup> reading  12/10/98: Approved CS-CO with conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0096	I-SF-2 to LI-CO	8/18/98: Approved CS-CO w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day

			limit by consent (6-0); 1 <sup>st</sup> reading  12/10/98: Approved CS-CO w/ conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0036	I-SF-2 to LI-CO	4/14/98: Approved LI-CO w/ conditions of 2,000 vehicle trips per day limit, prohibiting Agricultural Sales and Service, Automotive Repair Services, Construction Sales and Services, Equipment Sales, Equipment Repair Services, Scrap and Salvage, Vehicle Storage, Basic Industry, Recycling Center, Resource Extraction, and Railroad Facilities (8-0)	5/14/98: Approved PC rec. of LI-CO w/ conditions (5-0); 1 <sup>st</sup> reading 1/21/99: Approved LI-CO w/ conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-95-0033	SF-2 to GR	4/25/95: Approved GR-CO by consent (9-0)	5/25/95: Approved GR-CO (5-0); all 3 readings

**RELATED CASES:** C14-95-0033

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	SIDEWALKS	BICYCLE PLAN
US Highway 183	330'	Varies	Arterial	Yes	No	No
Roxie Drive	75'	40'	Collector	No	No	No

**CITY COUNCIL DATE:** October 5, 2006

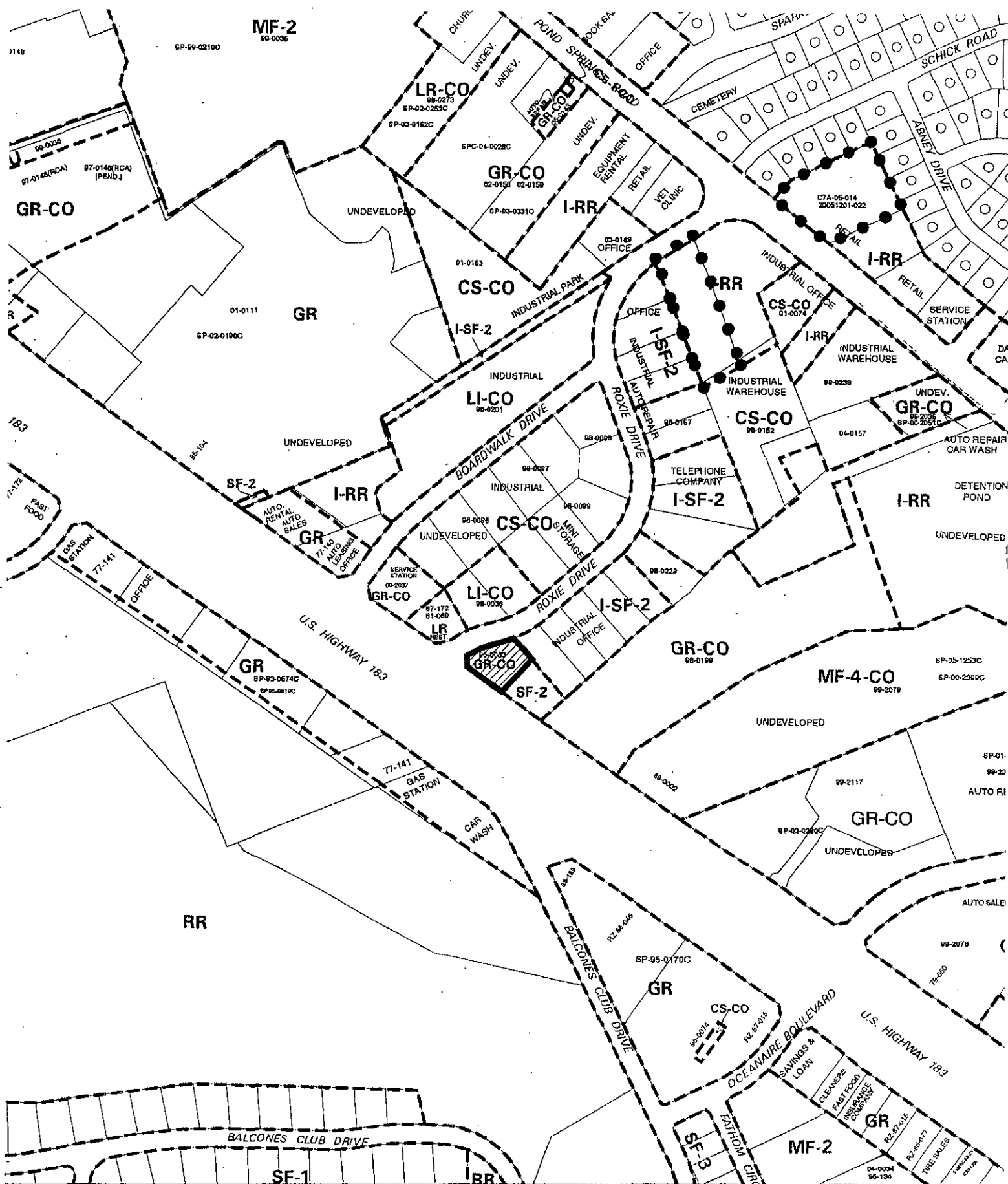
**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

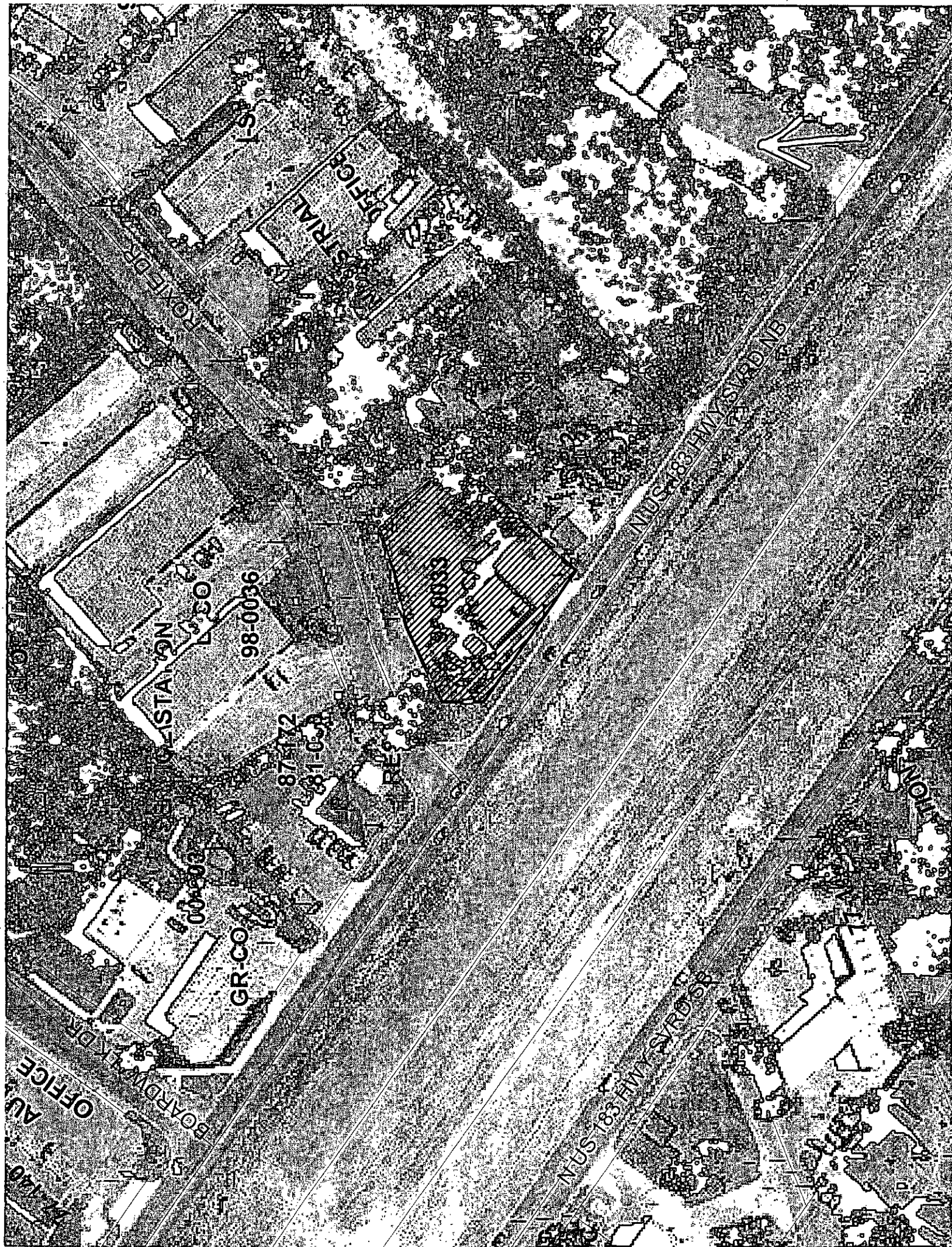
**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057  
sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	<b>ZONING</b> CASE #: C14-06-0167 ADDRESS: 13205 N US 183 HWY SUBJECT AREA (acres): 0.485		DATE: 06-08 INTLS: SM	CITY GRID REFERENCE NUMBER G37
	PENDING CASE 				
	ZONING BOUNDARY 				
	CASE MGR: S. SIRWAITIS				





## **STAFF RECOMMENDATION**

The staff recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

## **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.

The property in question fronts onto and will take access from a major arterial roadway, U.S. Highway 183 North.

2. *The proposed zoning should promote consistency and orderly planning.*

The site under consideration is located adjacent to existing commercial and industrial uses. There is CS-CO and LI-CO zoning to the north and GR and LR zoning to the south and west of the subject tract.

3. *Zoning should allow for reasonable use of the property.*

The CS-1-CO zoning district would allow for a fair and reasonable use of the site because the property in question meets the minimum lot requirements for the proposed zoning designation.

The CS-1-CO zoning is appropriate for this location because of the frontage of this property on an arterial roadway. The proposed CS-1-CO zoning area is surrounded by commercial and industrial uses.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject tract is developed with a retail sales use (Mexico Lindo Imports). There are industrial office/warehouse uses to the north and northeast, a used car sales businesses directly to the east, an automotive rental use to the west, and a service station and car wash to the south (across U.S. Highway 183).

### **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 is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

### **Environmental**

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, 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, it appears that the site is entirely developed, therefore there are no significant environmental features.

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 3,880 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]

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	SIDEWALKS	BICYCLE PLAN
US Highway 183	330'	Varies	Arterial	Yes	No	No

Roxie Drive	75'	40'	Collector	No	No	No
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### **Water and Wastewater**

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

### **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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Compatibility Standards**

This tract is already developed with a retail sales use.

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the northeast and east property lines, 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.

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 13205 U.S. HIGHWAY 183 NORTH FROM  
3 COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO)  
4 COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES-CONDITIONAL  
5 OVERLAY (CS-1-CO) COMBINING DISTRICT.  
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
8

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
10 change the base district from community commercial-conditional overlay (GR-CO)  
11 combining district to commercial-liquor sales-conditional overlay (CS-1-CO) combining  
12 district on the property described in Zoning Case No. C14-06-0167, on file at the  
13 Neighborhood Planning and Zoning Department, as follows:  
14

15 Lot 1, The Randall A. Miller Subdivision, a subdivision in the City of Austin,  
16 Williamson County, Texas, according to the map or plat of record in Cabinet C,  
17 Slide 349, of the Official Records of Williamson County, Texas (the "Property"),  
18

19 locally known as 13205 U.S. Highway 183 North in the City of Austin, Williamson  
20 County, Texas, and generally identified in the map attached as Exhibit "A".  
21

22 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
23 established by this ordinance is subject to the following conditions:  
24

25 A site plan or building permit for the Property may not be approved, released, or issued, if  
26 the completed development or uses of the Property, considered cumulatively with all  
27 existing or previously authorized development and uses, generate traffic that exceeds 2,000  
28 trips per day.  
29

30 Except as specifically restricted under this ordinance, the Property may be developed and  
31 used in accordance with the regulations established for the commercial-liquor sales (CS-1)  
32 base district and other applicable requirements of the City Code.  
33

34 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.  
35  
36  
37

1 **PASSED AND APPROVED**

2  
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4  
5 \_\_\_\_\_, 2006

§  
§  
§

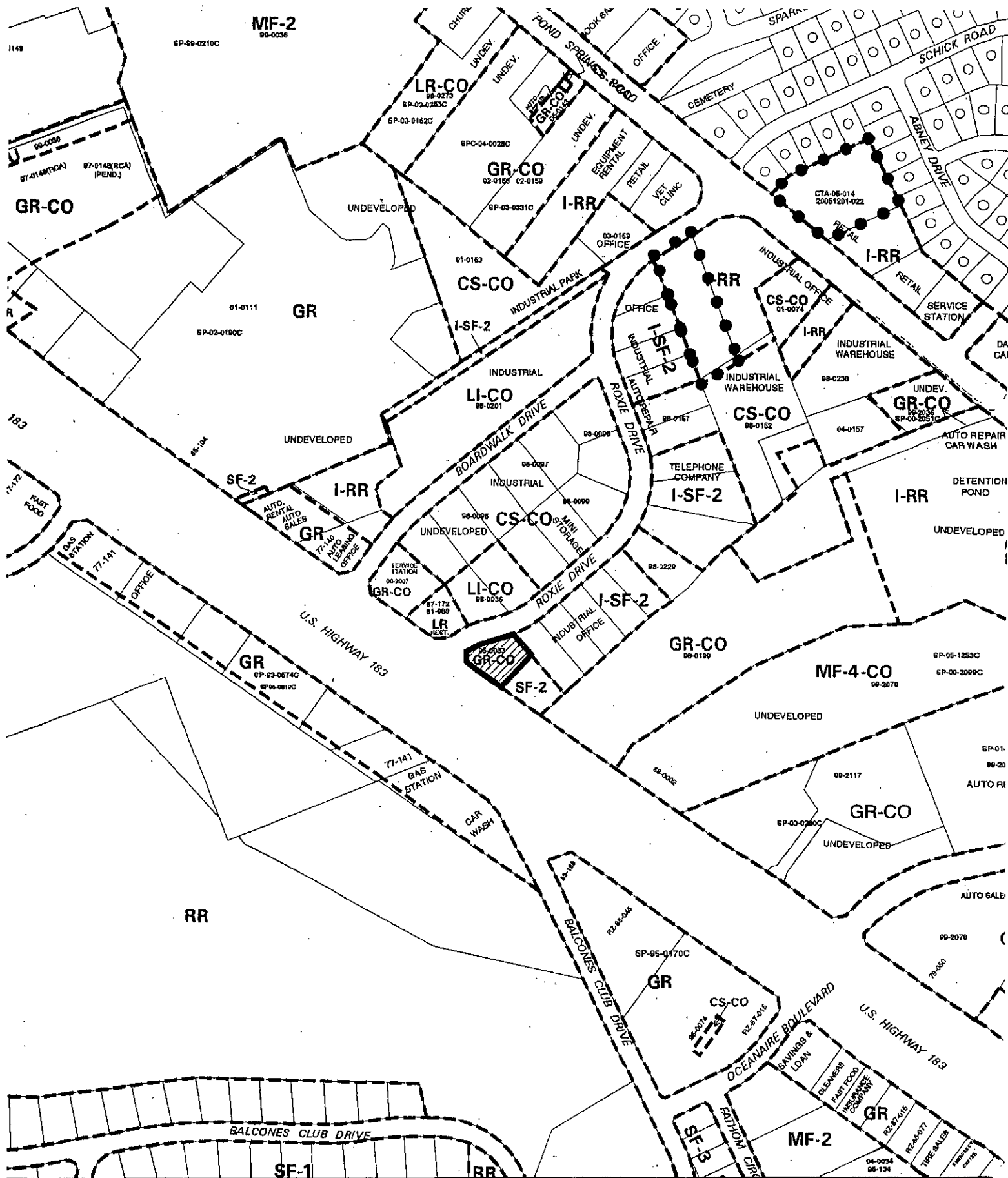
6 Will Wynn  
7 Mayor

8  
9  
10 **APPROVED:** \_\_\_\_\_

11 David Allan Smith  
12 City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S. SIRWAITIS	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; border-top: 1px dashed black; border-bottom: 1px dashed black; margin-right: 5px;"></div> </div>	ZONING Exhibit "A"	CITY GRID REFERENCE NUMBER G37
	CASE #: C14-06-0167		DATE: 06-08	
	ADDRESS: 13205 N US 183 HWY		INTLS: SM	
	SUBJECT AREA (acres): 0.485			