

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

AGENDA



Thursday, November 30, 2006

Back Print

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

ITEM No. 58

Subject: C14-06-0195 - Gaines - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4978 U.S. 290 West (Barton Creek Watershed - Barton Creek Zone) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: 1999 ACDMY-JCL Trust (Joe Longbotham) Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Rogerson). City Staff: Robert Heil, 974-2330

Additional Backup Material

(click to open)

- ☐ Staff_Report
- ☐ Ordinance

For More Information: Robert Heil, 974-2330

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0195 Games

PC DATE: October 24, 2006

ADDRESS: 4978 US Hwy 290 W

OWNER/APPLICANT: 1999 ACDMY-JCL Trust (Joe Longbotham)

AGENT: Drenner & Golden Stuart Wolff, LLP (Michelle Rogerson)

ZONING FROM: CS-CO **TO:** CS-1-CO **AREA:** 1.278 acres

SUMMARY STAFF RECOMMENDATION:

Staff's recommends approval of CS-1-CO. The conditional overlay would prohibit the following uses, as specified in the existing CO, and would add Cocktail Lounge to the list of prohibited use:

- Adult oriented business
- Agricultural sales and service
- Art workshop
- Automotive repair services
- Automotive sales
- Automotive washing (any type)
- Building maintenance services
- Bulk Laundry services
- Commercial off street parking
- Cocktail Lounge
- Equipment sales
- Equipment repair services
- Exterminating services
- Funeral services
- Kennels
- Recreational equipment maintenance and storage
- Recreational equipment sales
- Research services
- Service station
- Vehicle storage
- Theater
- Veterinary services

PLANNING COMMISSION RECOMMENDATION:

October 24, 2006: Approved staff's recommendation on consent (8-0)

DEPARTMENT COMMENTS:

The site is a vacant large retail site, formerly a Builder's Square and more recently an Academy Sporting Goods store. The request is for CS-1 zoning to allow for the sale of wine and beer. It is intended that this will be in the context of a large wine and gourmet foods outlet. Staff supports the request with the conditions listed above. The applicant agrees to the offered conditions. The East Oak Hill neighborhood plan, currently underway, designates the site for commercial use on its draft future land use map.

This site is a building or suite footprint within an existing structure. No zoning changes are proposed outside of this structure, therefore there are no environmental features associated with this site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO	Vacant retail
<i>North</i>	CS-CO	Shopping Center
<i>South</i>	CS-CO	Shopping Center
<i>East</i>	CS-CO	Shopping Center
<i>West</i>	CS-CO	Shopping Center

AREA STUDY: East Oak Hill (underway) **TIA:** Not required.

WATERSHED: Barton Creek (Barton Springs Zone)

DESIRED DEVELOPMENT ZONE: No. The site is in the Drinking Water Protection Zone

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASS	BICYCLE PLAN	SIDEWALKS	CAPITAL METRO
US Hwy 290	Varies	Varies	Arterial	Yes	Yes	Yes
Brodie Lane	Varies	Varies	Arterial	No	Yes	No

CITY COUNCIL DATE: November 30, 2006

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil

PHONE: 974-2330

EMAIL: Robert.Heil@ci.austin.tx.us

STAFF RECOMMENDATION

Staff's recommends approval of CS-1-CO. The conditional overlay would prohibit the following uses, as specified in the existing CO, and would add Cocktail Lounge to the list of prohibited use:

- Adult oriented business
- Agricultural sales and service
- Art workshop
- Automotive repair services
- Automotive sales
- Automotive washing (any type)
- Building maintenance services
- Bulk Laundry services
- Commercial off street parking
- Cocktail Lounge
- Equipment sales
- Equipment repair services
- Exterminating services
- Funeral services
- Kennels
- Recreational equipment maintenance and storage
- Recreational equipment sales
- Research services
- Service station
- Vehicle storage
- Theater
- Veterinary services

BASIS FOR RECOMMENDATION

The site is a long established commercial node. The addition of alcohol sales would not have a negative impact on the surrounding uses.

Transportation

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

The trip generation under the requested zoning is estimated to be 7,282 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 retail use at 55,680sf will generate approximately 4,641 trips per day.

The traffic impact analysis for this site was waived because the proposed zoning change is to allow liquor sales and there will be no increase in trip generation based on the proposed use versus the existing use. The site is subject to the TIA originally approved with this site (C14-93-0057).

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASS	BICYCLE PLAN	SIDEWALKS	CAPITAL METRO
US Hwy 290	Varies	Varies	Arterial	Yes	Yes	Yes
Brodie Lane	Varies	Varies	Arterial	No	Yes	No

Site Plan

This site is within 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].

Environmental

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Barton 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.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone. This tract lies in the recharge zone.

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

The site borders the endangered species survey area.

This site is a building or suite footprint within an existing structure. No zoning changes are proposed outside of this structure, therefore there are no environmental features associated with this site.

Water and Wastewater

The landowner intends to serve the site with a City of Austin water and wastewater utility service connection. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades. 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 the associated and applicable City fees.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4978 U.S. HIGHWAY 390 WEST FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-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 general commercial services (CS) district to commercial-liquor sales-conditional overlay (CS-1-CO) combining district on the property described in Zoning Case No. C14-06-0195, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.278 acre tract of land, more or less, out of the James Trammel Survey No. 4, Abstract No. 769, Travis County; the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4978 U.S. Highway 290 West, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

The following uses are prohibited uses of the Property:

Adult oriented businesses	Agricultural sales and services
Art workshop	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Building maintenance services	Laundry service
Cocktail lounge	Commercial off-street parking
Drop-off recycling collection facility	Equipment sales
Equipment repair services	Exterminating services
Funeral services	Kennels
Pawn shop services	Research services

1 Recreational equipment sales
2 Service station
3 Theater
4 Veterinary services

Recreational equipment maintenance and
storage
Vehicle storage

5
6 Except as specifically restricted under this ordinance, the Property may be developed and
7 used in accordance with the regulations established for the commercial-liquor sales (CS-1)
8 base district and other applicable requirements of the City Code.

9
10 **PART 3.** This ordinance takes effect on _____, 2006.

11
12
13 **PASSED AND APPROVED**

14
15
16 _____, 2006

§
§
§

Will Wynn
Mayor

17
18
19
20
21
22 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

1.278 ACRE
POINTE AT GAINES RANCH **EXHIBIT A**

FN. NO. 06-391 (CAG)
JULY 19, 2006
BPI JOB NO. 1727-01.97

DESCRIPTION

OF A 1.278 ACRE TRACT OF LAND OUT OF THE JAMES TRAMMEL SURVEY NO. 4, ABSTRACT NO. 769 SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 4, BLOCK A, POINTE AT GAINES RANCH SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 100, PAGE 301 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.278 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a chiseled "X" found in concrete for the northeasterly corner of said Lot 4, being an angle point in the southerly line of Lot 5 of said Block A, Pointe at Gaines Ranch Subdivision;


THENCE, S56°42'21"W, leaving the southerly line of said Lot 5, over and across said Lot 4, a distance of 31.72 feet to the northeasterly corner and **POINT OF BEGINNING** hereof;

THENCE, continuing over and across said Lot 4, for the easterly, southerly, westerly and northerly lines hereof, the following four (4) courses and distances:

- 1) S19°34'19"W, a distance of 202.40 feet to the southeasterly corner hereof, from which a chiseled "X" found for an angle point in the easterly line of said Lot 4 bears S03°55'07"E, a distance of 121.26 feet;
- 2) N70°25'41"W, a distance of 275.10 feet to the southwesterly corner hereof;
- 3) N19°34'19"E, a distance of 202.40 feet to the northwesterly corner hereof, from which a 1/2 inch iron rod found for an angle point in the northerly line of said Lot 4, same being an angle point in the southerly line of said Lot 5, bears S80°48'27"E, a distance of 123.82 feet;
- 4) S70°25'41"E, a distance of 275.10 feet to the **POINT OF BEGINNING**, containing an area of 1.278 acres (55,680 square feet) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY+PARTNERS, INC.
ENGINEERING SOLUTIONS
3345 BEE CAVE ROAD
SUITE 200
AUSTIN, TEXAS 78746


JOHN T. BILNOSKI, R.P.L.S.
NO. 4998
STATE OF TEXAS



LEGEND

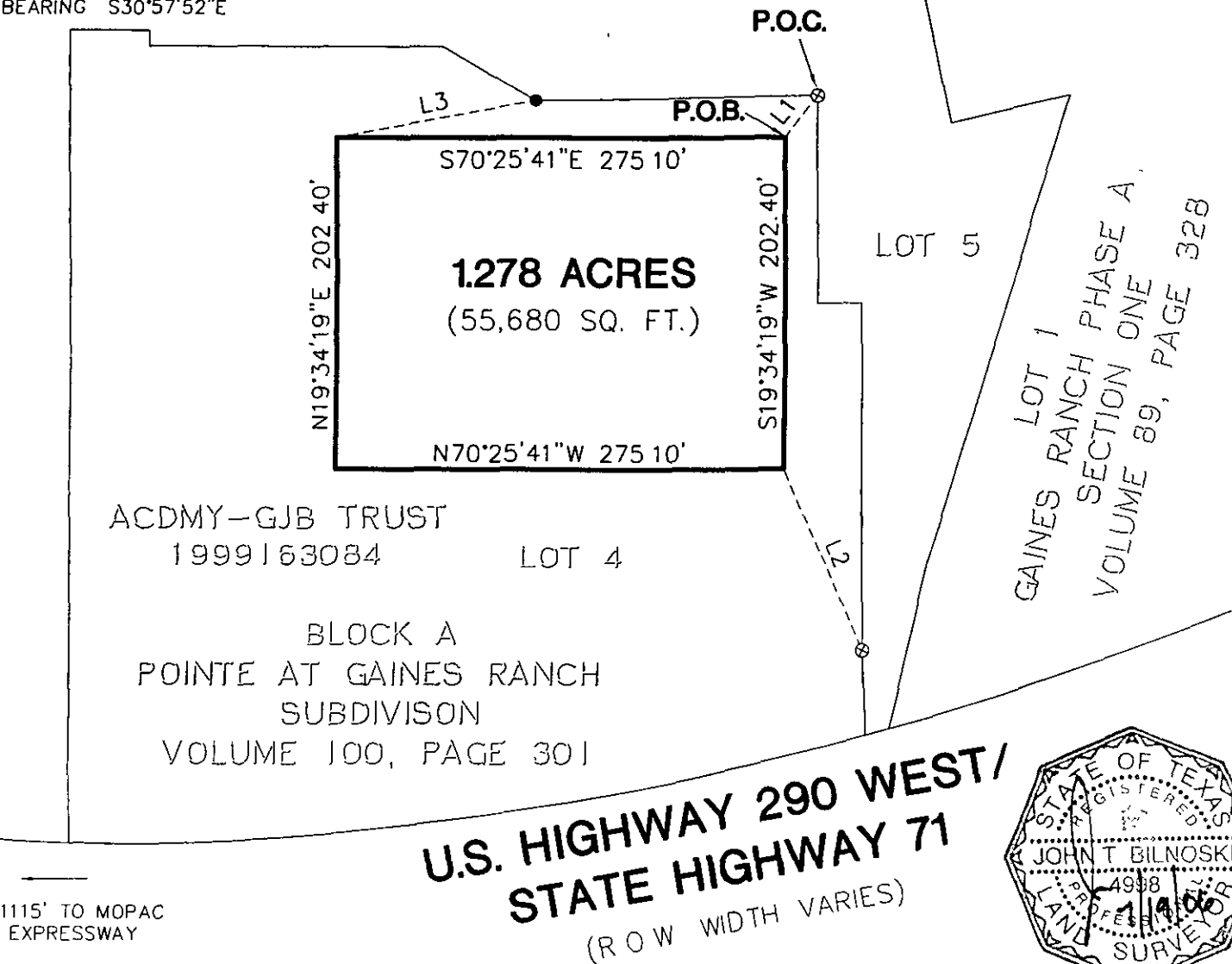
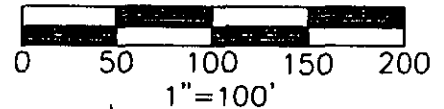
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊗ CHISELED "X" FOUND IN CONCRETE
- P O B POINT OF BEGINNING
- P O C POINT OF COMMENCEMENT

LINE TABLE

LINE	BEARING	LENGTH
L1	S56°42'21"W	31 72
L2	S03°55'07"E	121 26
L3	S80°48'27"E	123 82

BEARING BASIS:

THE BEARING BASIS OF THE SURVEY SHOWN HEREON IS A PORTION OF THE EASTERLY LINE OF LOT 1, GAINES RANCH PHASE A SECTION ONE OF RECORD IN BOOK 89, PAGE 328 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (NOT SHOWN)
BEARING S30°57'52"E



Bury+Partners

ENGINEERING SOLUTIONS

3345 Bee Caves Road, Suite 200

Austin Texas 78746

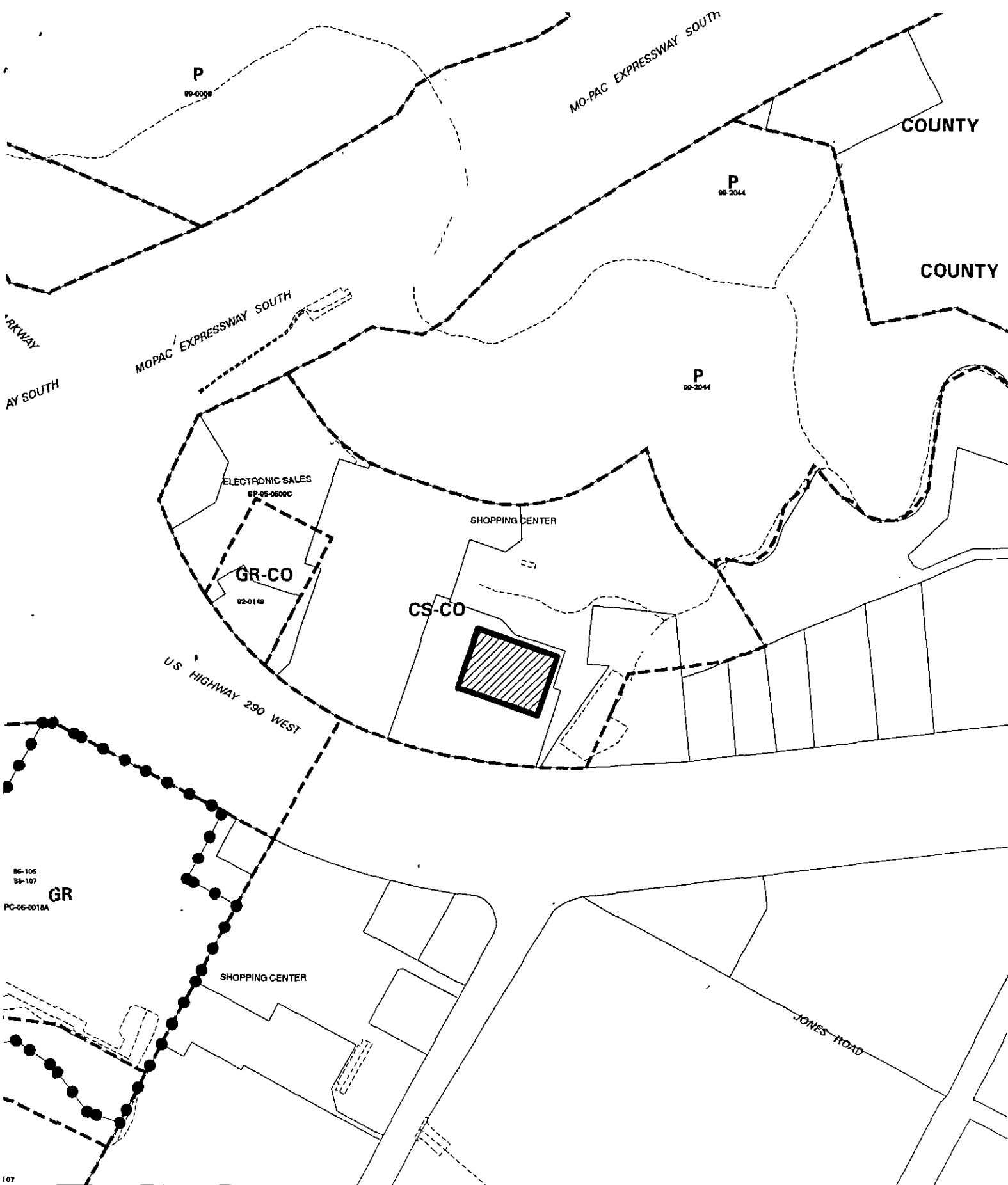
Tel (512)328-0011 Fax (512)328-0325

Bury+Partners, Inc ©Copyright 2006

SKETCH TO ACCOMPANY DESCRIPTION

A 1.278 ACRE TRACT OF LAND OUT OF THE JAMES TRAMMEL SURVEY NO. 4, ABSTRACT NO. 769 LOCATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 4, BLOCK A, POINTE AT GAINES RANCH SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 100, PAGE 301 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS

**POINTE AT
GAINES RANCH**



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT B	CITY GRID REFERENCE NUMBER E19
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: R.HEIL			
	CASE #: C14-06-0195		DATE: 06-10	
	ADDRESS: W US 290 HWY		INTLS: SM	
	SUBJECT AREA (acres) 1.278			