

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

A G E N D A



Thursday, December 14, 2006

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Public Hearings and Possible Actions RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 81

Subject: Conduct a public hearing and approve an ordinance amending Title 25 of the City Code to establish additional requirements for the location of large retail uses ("Big Box retail") in permitted zoning districts.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

Additional Backup Material

(click to open)

- ☐ Planning Commission Motion
- ☐ Draft Ordinance

For More Information: Susan Scallon, 974-2659

Boards and Commission Action: Recommended by Planning Commission. (Related to item# 55)

Prior Council Action: 11/16/2006 – Council set the public hearing.

In response to a code amendment initiated by the Planning Commission, the Watershed Protection and Development Review Department is proposing to amend the City Code to establish additional requirements for the location of large retail uses ("Big Box retail") in permitted zoning districts. Staff recommends the following proposed amendments:

- A conditional use permit will be required for proposed commercial use with a gross floor area of 100,000 square feet or more in a single building;
- In addition to the existing code requirement for notification, all registered neighborhood associations within a one mile radius of the proposed retail use shall also receive written notice of the pending application
- The applicant will be required to post a 4' X 8' sign on the property visible to the public at the time of the City receiving the application. The sign will include information such as the City file number, type of action pending, names and phone numbers of the applicant or agents for additional information, and a description of the project which includes the size and use of the building

The Planning Commission also requested that City Council consider creating a new zoning category for large retail uses of 100,000 square feet with the additional notification as stated above.

Planning Commission Motion on Big Box 11/24/06

CODE AMENDMENTS

3. Code C20-06-010 -

Amendment::

Request: Amend the City Code to require a conditional use permit for proposed commercial development of a single occupancy building over 50,000 square feet.

Staff Rec.: AMENDED TO: 100,000 sq. ft.

Staff: Susan Scallon, 974-2659, susan.scallon@ci.austin.tx.us
Watershed Protection and Development Review Department

APPROVED STAFF'S AMENDED RECOMMENDATION; ALSO RECOMMENDED THAT COUNCIL CREATE A NEW ZONING CATEGORY TO ALLOW BIG BOXES ABOVE 100,000 SQ. FT. WITH EXPANDED NOTIFICATION.

[J.REDDY, C.RILEY 2ND] (8-0) M.MOORE – ABSENT

ORDINANCE NO.

1 **AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE TO ADD**
2 **SECTION 25-2-813 RELATING TO LARGE RETAIL USES; AND AMENDING**
3 **SECTION 25-5-144 OF THE CITY CODE RELATING TO PUBLIC HEARING**
4 **AND NOTICE.**

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

7
8 **PART 1.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-813 to
9 read:

10 **§ 25-2-813 LARGE RETAIL USES.**

11 (A) In this section, RETAIL USE means one or more of the following uses:

- 12 (1) agricultural sales and services use;
13 (2) art gallery use;
14 (3) art workshop use;
15 (4) automotive repair services use;
16 (5) automotive sales use;
17 (6) construction sales and services use;
18 (7) equipment sales use;
19 (8) food sales use;
20 (9) general retail services (convenience) use;
21 (10) general retail sales (general) use;
22 (11) liquor sales use;
23 (12) monument retail sales use;
24 (13) pawn shop services use;
25 (14) personal improvement services;

- (15) pet services use;
- (16) plant nursery use;
- (17) recreational equipment sales use;
- (18) restaurant (drive-in, fast food) use;
- (19) restaurant (general) use;
- (20) restaurant (limited) use;
- (21) service station use;
- (22) special use historic use; or
- (23) veterinary services use.

(B) A retail use with 100,000 square feet or more of gross floor area in a single building is a conditional use.

PART 2. Section 25-5-144 (*Public Hearing And Notice*) of the City Code is amended to add a new Subsection (C) to read as follows and reletter the remaining subsections accordingly:

(C) This subsection applies to an application for approval of a retail use that is a conditional use under Section 25-2-813 (*Large Retail Uses*).

(1) In addition to the notice required by Subsection (B), the director shall give notice to all registered neighborhood associations with boundaries located within one mile of the site.

(2) The applicant shall post a sign on the site in a location that is visible to the public. The sign must be at least four feet by eight feet in size with lettering at least four inches high. The sign must include the following information:

- (a) a statement that an application for approval of a conditional use site plan has been filed;
- (b) the city file number;
- (c) the name, address, and telephone number of the applicant or agent; and

(d) a description of the proposed development, including the size and use of the building.

PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

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Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk