

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2022-0041 (Elisa Zoning)

DISTRICT: 6

ADDRESS: 8863 Anderson Mill Road

ZONING FROM: I-RR

TO: GR

SITE AREA: 0.535 acres (23,522.4 sq. ft.)

PROPERTY OWNER: Third NHP Holdings LP

AGENT: Site Specifics (John Hussey)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

### STAFF RECOMMENDATION:

**Staff recommends GR-CO, Community Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit the following uses on the property: Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Club or Lodge, Commercial Off-Street Parking, Drop Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel/Motel, Off-Site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services and Service Station.**

### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**May 17, 2022: Postponed to June 7, 2022 at the staff's request (7-0, J. Kiolbassa, H. Smith and R. Woody-absent and C. Acosta-off the dais); B. Greenberg-1st and C. Thompson-2nd.**

**June 7, 2022: Approved staff rec. of GR-CO zoning by consent (9-0, N. Barrera-Ramirez and L. Stern-absent); H. Smith-1st, B. Greenberg-2nd.**

### CITY COUNCIL ACTION:

**July 28, 2022**

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is a suite developed with a restaurant use and a parking area within a commercial strip center that fronts Anderson Mill Road. The lots to the north, across Anderson Mill Road, contain single family residences. The tracts of land to the south and east are developed with public schools (Deer Park Middle School and Live Oak Elementary School). To the west, there is an undeveloped tract of land and townhouse residences zoned LR-MU-CO. In this request, the applicant is asking to zone the property to GR, Community Commercial District, zoning to bring the existing uses on the site into conformance with City of Austin Land Use regulations.

The staff is recommending GR-CO, Community Commercial-Conditional Overlay District, zoning for the property under consideration. The proposed GR-CO zoning will allow for low intensity office and commercial uses on a lot that front onto an arterial roadway, Anderson Mill Road. GR-CO zoning will permit the applicant to develop and maintain limited commercial uses on a property adjacent to the residential neighborhoods to the north. The proposed zoning will permit the applicant to bring the existing restaurant use on the site into conformance the land use regulations in the City of Austin Code.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

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

GR-CO zoning will promote consistency and orderly planning as it will allow for low density office and commercial uses that will provide services to the residential developments to the north and west.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed GR-CO zoning district would allow for a fair and reasonable use of the site as it will permit the applicant to develop and maintain limited commercial uses on a property adjacent to school facilities. The proposed zoning will permit the applicant to bring the existing uses on the property into conformance the land use regulations in the City of Austin Code.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Commercial/Retail Strip Center (Valentino's Pizza, MG Floors, Best Vet, Avila Soccer, Elisa Pastry & Coffee, Shandeez Grill Mediterranean Cuisine Restaurant, Bouquets of Austin, RR Cabinets Direct, Music Lessons, The Love of China School of Dance, Glitzy Events Catering Support Services)
<i>North</i>	I-SF-2	Single-Family Residences
<i>South</i>	I-RR	School (Deer Park Middle School)
<i>East</i>	I-RR	Undeveloped Area, School (Live Oak Elementary School)
<i>West</i>	I-RR, LR-MU-CO	Vacant Tract, Townhouse Residences

NEIGHBORHOOD PLANNING AREA: N/ATIA: Deferred to the time of Site PlanWATERSHED: Lake CreekSCHOOLS: Round Rock I.S.D.NEIGHBORHOOD ORGANIZATIONS:

Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Association of SW Williamson County  
 Neighborhood Empowerment Foundation  
 SELTEXAS  
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0110 (Dakota Plaza: 8516 Anderson Mill Road)	I-RR to GR	9/15/15: Approved staff's recommendation of GR-CO district zoning, with CO to limit development on the site to less than 2,000 vehicle trips per day, will allow for Personal Improvement Services as the only permitted GR district use, will allow for all other LR district permitted uses and will limit the site to LR district	11/12/15: Approved GR-CO zoning on consent on all 3 readings (11-0); D. Zimmerman-1 <sup>st</sup> , S. Gallo-2 <sup>nd</sup> .

		site development standards as stated in LDC, Sec. 25-2-492 and with clarification that no additional ROW is required at this time, on consent (11-0); T. Weber-1 <sup>st</sup> , L. Brinsmade-2 <sup>nd</sup> .	
C14-2014-0107 (Fredrickson 1.5: 8410 Anderson Mill Road)	I-RR to W/LO	8/05/14: Approved staff recommendation of W/LO-CO zoning with ROW condition by consent (5-0, C. Banks and R. McDaniel-absent); P. Seeger-1 <sup>st</sup> , S. Compton-2 <sup>nd</sup> .	8/28/14: Approved W/LO-CO zoning, with conditions, on consent on first reading (7-0); B. Spelman-1 <sup>st</sup> , L. Morrision-2 <sup>nd</sup> .  9/25/14: Approved W/LO-CO zoning, with conditions, on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2011-0073 (Villages at Turtle Rock: 12800 Turtle Rock Road)	I-RR to MF-3	8/16/11: Approved staff's recommendation of MF-3-CO zoning, with CO to limit development on the site to less than 2,000 vehicle trips per day, by consent (6-0, G. Rojas-absent); D. Tiemann-1 <sup>st</sup> , G. Bourgeios-2 <sup>nd</sup> .	9/22/11: Approved MF-3-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2011-0072 (8915 Anderson Mill Road)	I-RR to GR-MU	8/16/11: Approved staff's recommendation of LR-MU-CO zoning, with CO to limit development on the site to less than 2,000 vehicle trips per day, by consent (6-0, G. Rojas-absent); D. Tiemann-1 <sup>st</sup> , G. Bourgeios-2 <sup>nd</sup> .	9/22/11 : Approved LR-MU-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-06-0236 (13201 Pond Springs Road)	I-RR to CS-1	5/15/07: Approved staff rec. of GR-CO and CS-1-CO (7-0)	6/08/07: Approved for GR-CO for Tract 1 and CS-1 for Tract 2 (7-0); all 3 readings
C14-06-0157 (Pond Springs Plaza – 13233 Pond Springs Road)	I-SF-2 to Tract 1: CS Tract 2: CS-1	9/05/06: 1 <sup>st</sup> Motion: Approved staff's recommendation of GR-CO for Tract 1 and CS-1-CO for Tract 2, with additional condition to prohibit Pawn Shop Services, by consent	12/07/06: Approved the ZAP recommendation, striking the requirement for double door access from the bar (Tract 2) to the deck (Tract 3) and adding a the bar (Tract 2) to the deck (Tract 3)

		<p>(8-0, J. Shieh-absent); J. Martinez-1<sup>st</sup>, S. Hale-2<sup>nd</sup>.</p> <p>2<sup>nd</sup> Motion: To rescind and reconsider 1<sup>st</sup> motion (6-0, J. Shieh-absent; T. Rabago, J. Martinez-off dais); J. Gohil-1<sup>st</sup>, K. Jackson-2<sup>nd</sup>.</p> <p>3<sup>rd</sup> Motion: To postpone and place on the September 19, 2006 ZAP Agenda (6-0, J. Shieh-absent; T. Rabago, J. Martinez-off dais); J. Gohil-1<sup>st</sup>, K. Jackson-2<sup>nd</sup>.</p> <p>9/19/06: Continued to October 3, 2006 by Zoning and Platting Commission (7-0, J. Martinez, J. Pinnelli-absent); S. Hale-1<sup>st</sup>, J. Shieh-2<sup>nd</sup>.</p> <p>10/03/06: Postponed to November 7, 2006 by the applicant (7-0, K. Jackson, J. Pinnelli-absent); J. Martinez-1<sup>st</sup>, S. Hale-2<sup>nd</sup>.</p> <p>11/07/06: Approved staff's recommendation of GR-CO zoning for Tract 1 (shopping center), CS-1-CO zoning for Tract 2 (bar area), and GR-CO zoning for newly created Tract 3 (deck area). The Commission added the following conditions to Tract 2: Prohibit Adult Oriented Businesses; To require double door access to the deck from the bar (if allowable by Code and Building Permit regulations); To place permanent signage on the property at the driveway entries to restrict motorcycle parking in the rear/alleyway. To place</p>	<p>and adding a condition for speakers be removed from the deck area (7-0).</p> <p>4/12/06: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2, and GR-CO zoning for Tract 3 (6-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
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		<p>permanent signage along the fence/property line between the residential site to the west and the property in question designating the parking spaces in the rear/alleyway as, “Employee Parking Only”. To construct an 8-foot masonry/or sound retardant fence around the deck to mitigate sound emanating from the deck. The Commission also placed the following conditions on Tract 3 (the deck area): Place an 85 decibel limit (in accordance with LDC Sec. 9-2-4) on the deck to reduce noise emanating from the deck. Restrict amplified sound on the deck. Place permanent signage on the deck for noise mitigation. Remove the pool table off of the deck. Vote: (7-2, B. Baker, J. Martinez- No); J. Shieh-1<sup>st</sup>, S. Hale-2<sup>nd</sup>.</p>	
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**RELATED CASES:**

C8J-03-0143.0A – Subdivision Case

**EXISTING STREET CHARACTERISTICS:**

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Anderson Mill Road	Level 3	100'	102' to 109'	72' to 88' including a 4' median	Yes	Buffered Bike Lane	No

OTHER STAFF COMMENTS:Comprehensive Planning

**Project Name and Proposed Use:** 8863 ANDERSON MILL RD. C14-2022-0041. 0.54 acres from I-RR to GR. Food Sales/Restaurant to Food Sales/Restaurant (within an existing shopping center with retail uses)

Yes	Imagine Austin Decision Guidelines
	<b>Compact and Connected Measures</b>
	<b>Imagine Austin Growth Concept Map:</b> Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. <b>Name(s) of Activity Center/Activity Corridor/Job Center:</b>
	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Y	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	<b>Connectivity and Education:</b> Is located within 0.50 miles from a public school or university.
Y	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
	<b>Connectivity and Health:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable house.
	<b>Housing Choice:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	<b>Mixed Use:</b> Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
4	<b>Total Number of "Yes's"</b>

Environmental

The site is located over the North Edwards Aquifer Recharge 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. It is in the Desired Development Zone.

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 Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum 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%

According to floodplain maps there is no floodplain within or adjacent to the project location.

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, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### Fire

No comments.

#### Parks and Recreation

Parkland dedication will be required for any applicable uses resulting from this rezoning, GR with restaurant use. There are currently no parkland requirements for uses other than residential and hotel.

#### Site Plan

Site plans will be required for any new development other than single-family, two-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. The site is subject to compatibility standards due to the adjacent I-SF-2 districts to the north and south.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

This tract is already developed and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.



## Transportation

### **Transportation Assessment**

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Anderson Mill Road	Level 3	100'	102' to 109'	72' to 88' including a 4' median	Yes	Buffered Bike Lane	No

## Water Utility

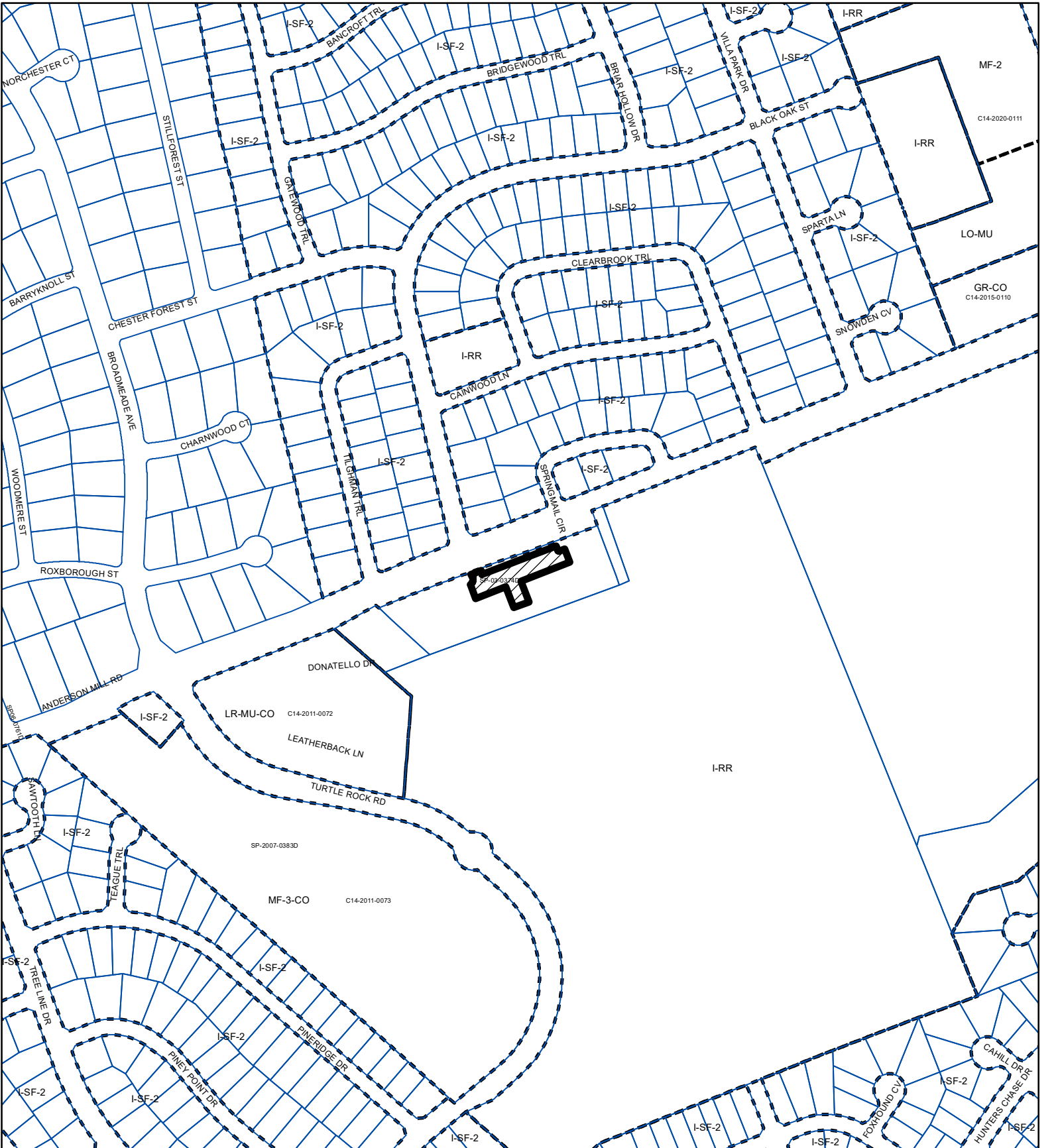
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

## INDEX OF EXHIBITS TO FOLLOW




- A: Zoning Map
- B. Aerial Map
- C. Correspondence from Interested Parties



**ZONING**

**ZONING CASE#: C14-2022-0041**



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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**Created: 3/23/2022**





## Elisa Zoning

ZONING CASE#: C14-2022-0041  
 LOCATION: 8863 Anderson Mill Rd  
 SUBJECT AREA: .535 Acres  
 GRID: G38  
 MANAGER: SHERRI SIRWAITIS



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

1" = 175'

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