



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 03/10/2005
PAGE: 1 of 1

SUBJECT: C14-05-0006 - Hutto Place, L.P. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Lakeline Mall Drive and Highway 183 North (Lake Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: Hutto Place, L.P. (Thomas J. Wolfe). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

**REQUESTING
DEPARTMENT:**

Neighborhood Planning
and Zoning

DIRECTOR'S

AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0006

Z.A.P. DATE: February 15, 2005

ADDRESS: Lakeline Mall Drive & Highway 183 North

OWNER/APPLICANT: Hutto Place, L.P.
(Thomas J. Wolfe)

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: GR

TO: CH*

AREA: 0.897 acres

*Amended by applicant on 2/8/05 to CS-1

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay District, zoning. The conditional overlay would prohibit Adult Oriented Business and Cocktail Lounge uses on the site.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

2/15/05: Approved staff's recommendation of CS-1-CO on consent with the following additional conditions: 1) Limit size of structure to 12,000 sq. ft., 2) Prohibit Pawn Shop Services, Commercial Blood Plasma Center, Exterminating Services, Restaurant (General) and Cocktail Lounge. Vote: (8-0, K. Jackson-absent); J. Martinez-1st, J. Gohil-2nd.

DEPARTMENT COMMENTS:

The property in question is a parcel of land located adjacent to a recently developed retail center. The site has access to U.S. Highway 183 North. The applicant is requesting CS-1, Commercial-Liquor Sales District, zoning for the property because he would like to develop the site with a liquor store.

The staff recommends CS-1-CO zoning for the property because the site is surrounded by commercial zoning and is adjacent to an existing retail center and restaurant uses. The site conforms with the purpose statement for the CS-1 district as it is located near the intersection of two major arterial roadways and has frontage on U.S. Highway 183 North.

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Undeveloped
<i>North</i>	GR, GR-CO	Undeveloped Area, Retail Strip Center (Verizon Wireless)
<i>South</i>	CH	Restaurants (Bennigan's, Denny's), Financial Services (ABC Bank, First American Title)
<i>East</i>	GR	Retail Center (Super Target, Michaels, Shoe Carnival, Catherine's, Kim Phung Restaurant, Sally Beauty Supply, Friedman Jewelers, Tanning Salon, Nail Salon, TGF Haircutters, Cingular Wireless, Cartridge World)

<i>West</i>	CS	Retail (Pier 1 Imports), Restaurant (Texas Land and Cattle Company), Retail Strip Center
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AREA STUDY: N/A

TIA: N/A

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

277 - Shenandoah Neighborhood Association
485 - Riviera Springs Community Development Association
604 - Davis Spring HOA
701 - Avery Ranch Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0164	GO to CS	11/16/04: Postponed by the applicant to December 21, 2004 (9-0) 12/21/04: Indefinitely postponed by the applicant (9-0)	Pending
C14-04-0165	GR to CS	11/16/04: Postponed by the applicant to December 21, 2004 (9-0) 12/21/04: Indefinitely postponed by the applicant (9-0)	Pending
C14-04-0166	GO to CS	11/16/04: Postponed by the applicant to December 21, 2004 (9-0) 12/21/04: Indefinitely postponed by the applicant (9-0)	Pending
C14-04-0121	DR, GR to GR	9/7/04: Approved staff's recommendation of GR zoning by consent (8-0, J. Martinez-absent)	9/30/04: Granted GR zoning (7-0); all 3 readings
C14-03-0048	DR to GR	4/1/03: Approved staff's recommendation of GR zoning by consent (9-0)	5/8/03: Granted GR on 3 readings (7-0)
C14-03-0046	DR to GR	3/25/03: Approved staff's recommendation of GR zoning by consent (7-0, K. Jackson-not yet arrived, J. Martinez-absent)	4/24/03: Granted GR on all 3 readings (6-0-1, Garcia-absent)

C14-01-0173	DR to GR	1/15/02: Approved GR-CO zoning, with a condition prohibiting pawn shop services, by consent (8-0, K. Jackson-absent)	2/14/02: Approved GR-CO on 3 readings (7-0)
C14-00-2094	DR to GR	7/11/00: Approved staff rec. of GR by consent (7-0)	8/17/00: Approved GR on 1 st reading (6-0, Goodman-absent) 8/31/00: Approved 2 nd /3 rd readings (6-0, KW-absent)
C14-00-2107	MF-3 to GO	8/29/00: Approved staff rec. of GO by consent (7-1, RC-Nay)	9/7/00: Approved GO on 1 st reading only (7-0) 12/14/00: Approved GO (7-0); 2 nd /3 rd readings
C14-98-0266	DR to GR	3/2/99: Approved GR by consent (8-0)	12/2/99: Approved PC rec. of GR (6-0, WL-absent); 1 st reading 5/24/01: Approved GR (6-0); 2 nd /3 rd
C14-97-0041	GR to CS	6/3/97: Approved CS (5-0-1)	6/26/97: Approved CS (7-0); all 3 readings
C814-97-0001	I-RR to PUD	9/30/97: Approved PUD w/ conditions (6-3)	11/20/97: Denied PUD zoning because it does not conform to purpose and is not a superior development (7-0) 7/1/99: State over-rode/ Approved PUD
C14-95-0044	DR to GR	10/17/95: Approved CS, subject to ROW (5-0)	11/30/95: Approved CS, subject to ROW (6-0); 1 st reading 12/7/95: Approved CS (7-0); 2 nd / 3 rd reading
C14-94-0134	CH to GR	1/10/95: Approved GR-CO (7-0)	2/9/95: Approved GR w/ conditions (6-0); 1 st reading 2/29/95: Approved GR (6-0); 2 nd /3 rd readings
C14-94-0132	CH to GR GO to GR IP to GR LR to GR	12/20/94: Approved GR w/ conditions (7-0)	1/10/95: Approved GR w/ conditions (6-0); 1 st reading 2/9/95: Approved GR w/ conditions (6-0); 2 nd / 3 rd readings

RELATED CASES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
US Highway 183	Varies	Varies	Major Arterial

CITY COUNCIL DATE: March 10, 2005

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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

GR

GU

SP-05-0000C

PSS-362
PC

PUI

HOA

LAKE LINE BOULEVARD

04-0122

PSS-365 PC

SP-07-00170

RETAIL CENTERS

GR

GO

00-2107

04-00134

PSS-360 PC

UNDEVELOPED

CS

07-0041

GR-CO

COMMERCIAL

RETAIL CENTER

RETAIL CENTER

GR

UNDEVELOPED

PSS-360 PC

UNDEVELOPED

UNDEVELOPED

UNDEVELOPED

PSS-162

05-0041

UNDEVELOPED

SP-05-0000C

CS

SP-01-00100

SP-01-00100

05-102

CS

05-170

LAKELINE MALL DRIVE

SP-07-00000

05-0480C

SP-05-01470

U.S. HIGHWAY 183

RESTAURANT

BANK

LAKELINE MALL DRIVE

GR

CH-PDA

GR

RETAIL CENTER

CH

PSS-360 PC

UNDEVELOPED

CH

GR

UNDEVELOPED

OPEN
RETAIL CENTER

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: S. GAGER



ZONING

CASE #: C14-05-0006

ADDRESS: N US HWY 183 & LAKELINE

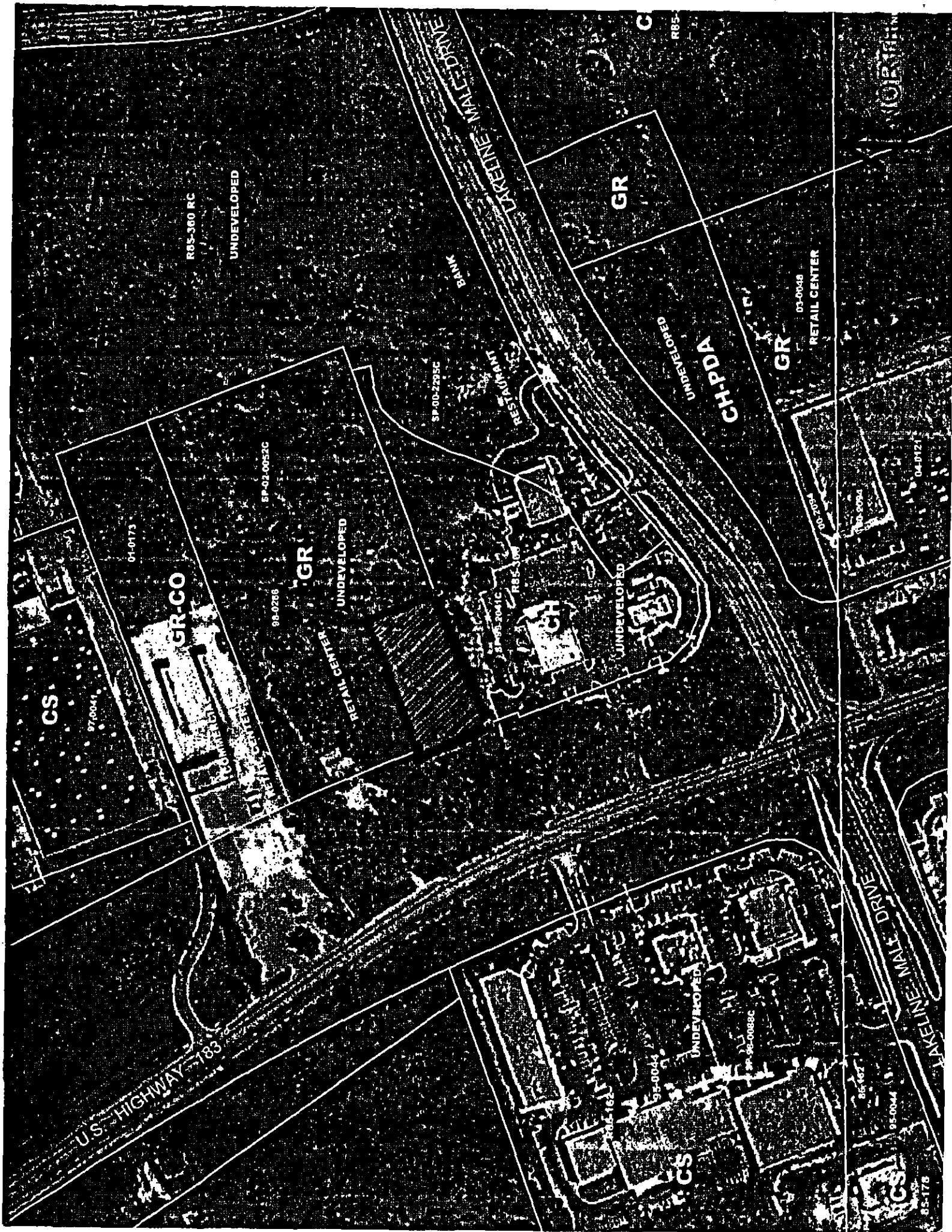
SUBJECT AREA (acres): 0.897

DATE: 05-01

INTLS: SM

CITY GRID
REFERENCE
NUMBER

F40



STAFF RECOMMENDATION

The staff's recommendation is to grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay District, zoning. The conditional overlay would prohibit Adult Oriented Business and Cocktail Lounge uses on the site.

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.

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

The zoning district would be compatible and consistent with the surrounding uses because there is GR zoning to the north and east, CS zoning to the west, and CH zoning to the south of the property in question. The tracts of land to the north, south, east and west of the site are currently developed with commercial uses.

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

The zoning district would allow for a fair and reasonable use of the property because it will allow the applicant to develop this parcel of land with a retail use adjacent to an existing retail center to the east and restaurant uses to the south.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The property in question is located near the intersection of two arterial roadways, Lakeline Mall Drive and U.S. Highway 183 North.

EXISTING CONDITIONS

Site Characteristics

The site is a grassy parcel of land that is located adjacent to a recently developed retail center and restaurant uses. The property has access to U.S. Highway 183 North and Lakeline Mall Drive through the existing retail center parking area with connective driveways to both roadways.

Impervious Cover

The maximum impervious cover allowed by the CS-1 zoning district would be 95%. However, if 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:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
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%.

Note: The most restrictive impervious cover limit applies.

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, site-specific information is unavailable regarding existing trees and other 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 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.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Transportation

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

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

Capital Metro bus service is available along US Highway 183.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
US Highway 183	Varies	Varies	Major Arterial

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City 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 adjustment, and utility location to serve the site and land use. 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 utility construction must be inspected by the City. The landowner must pay the associated City fees.

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

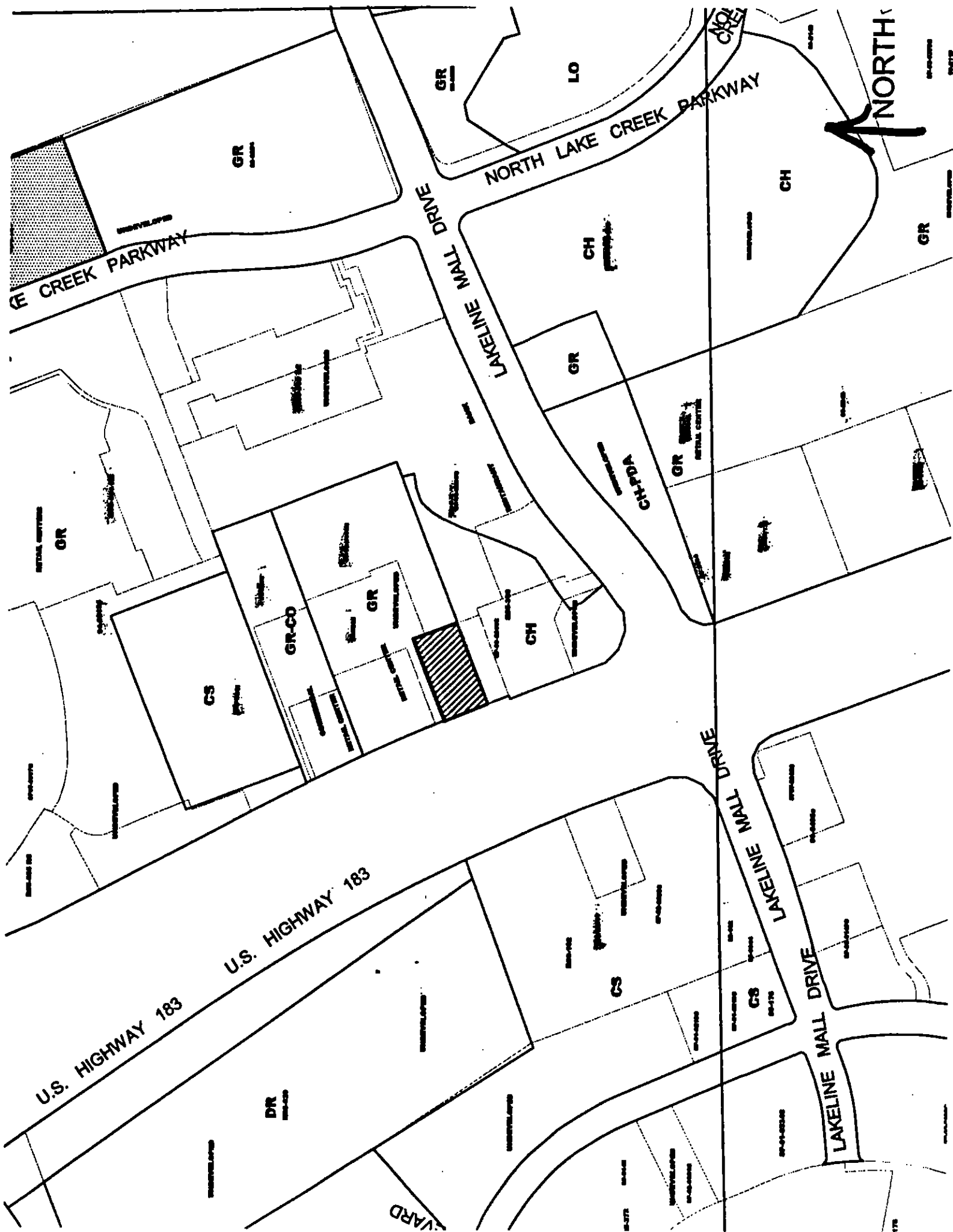
Stormwater Detention

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 not developed and the proposed zoning change is a footprint within the existing development. The closest property of residential is located off of Cowdry Park. This property is zoned SF-2.

Commercial zoning surrounds the site. The site is currently undeveloped.



- 10. Rezoning:** C14-05-0006 - Hutto Place, L.P.
Location: Lakeline Mall and U.S. 183 North, Lake Creek Watershed
Owner/Applicant: Hutto Place, L.P. (Thomas J. Wolfe, Jr.)
Agent: Thrower Design (Ron Thrower)
Request: GR to CH
Staff Rec.: ALTERNATE RECOMMENDATION: CS-1-CO
Staff: Sherri Sirwaitis, 974-3057, sherri.gager@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION FOR CS-1-CO WITH ADDED CONDITIONS OF: PROHIBITING ADULT ORIENTED BUSINESSES; LIMIT SIZE OF BUILDING FOR LIQUOR SALES TO 12,000 SQUARE FEET, PROHIBIT PAWN SHOPS, PROHIBIT COMMERCIAL BLOOD/PLASMA CENTERS, PROHIBIT EXTERMINATING SERVICES, PROHIBIT ON-SITE CONSUMPTION; BY CONSENT.
[J.M; J.G 2ND] (8-0) K.J - ABSENT

- 11. Rezoning:** C14-05-0007 - Rafael Montes De Oca
Location: 15200 F.M. 1825 Road, Harris Branch Watershed
Owner/Applicant: Rafael Montes De Oca
Agent: Tommy Schmoker
Request: SF-2 to CS
Staff Rec.: ALTERNATE RECOMMENDATION: CS-CO
Staff: Sherri Sirwaitis, 974-3057, sherri.gager@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION OF CS-CO ZONING WITH ADDITIONAL CONDITIONS TO ALLOW CS DISTRICT DEVELOPMENT STANDARDS AND GR DISTRICT USES.
[M.W; J.M 2ND] (8-0) K.J - ABSENT

- 12. Rezoning:** C14-05-0008 - Franks 15601
Location: 15601 IH-35 Service Road North Bound, Gilleland Creek Watershed
Owner/Applicant: Q. J. Franks
Agent: Bennett Consulting (Jim Bennett)
Request: SF-2 to CS
Staff Rec.: ALTERNATE RECOMMENDATION: CS-CO
Staff: Sherri Sirwaitis, 974-3057, sherri.gager@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION OF CS-CO WITH THE ADDED CONDITION TO PROHIBIT PAWN SHOPS.
[J.M; J.G 2ND] (8-0) K.J - ABSENT

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT LAKELINE MALL DRIVE AND U.S. HIGHWAY 183 NORTH FROM COMMUNITY COMMERCIAL (GR) 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 community commercial (GR) district to commercial-liquor sales-conditional overlay (CS-1-CO) combining district on the property described in Zoning Case No. C14-05-0006, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 3, Block A, Northwest 183 Subdivision Section 1, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200300013, of the Official Public Records of Travis County, Texas, (the "Property")

locally known as the property located at Lakeline Mall Drive and U.S. Highway 183 North, 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. The following uses are prohibited uses of the Property:

Adult oriented businesses	Cocktail lounge
Commercial blood plasma center	Exterminating services
Pawn shop services	Restaurant (general)

2. A building or structure may not exceed 12,000 square feet of gross floor area for liquor sales use.

3. The maximum floor-to-area ratio for a liquor sales use is 0.307 to 1.0

1 Except as specifically restricted under this ordinance, the Property may be developed and
2 used in accordance with the regulations established for the commercial-liquor sales (CS-1)
3 base district and other applicable requirements of the City Code.
4

5 **PART 3.** This ordinance takes effect on _____, 2005.
6

7
8 **PASSED AND APPROVED**
9

10 _____, 2005

§
§
§

11
12
13 Will Wynn
14 Mayor

15
16
17 **APPROVED:**

18 David Allan Smith
19 City Attorney

ATTEST:

Shirley A. Brown
City Clerk

GR

SP-05-0000

P&S-002
RDPUI
NO

LAKE LINE BOULEVARD

04-0182

P&S-005 RD

SP-07-00170

RETAIL CENTER

GR

P&S-000 RC

04-00134

UNDEVELOPED

CS

07-0041

01-0172

GR-CO

COMMERCIAL

RETAIL CENTER

RETAIL CENTER

GR

UNDEVELOPED

CH

UNDEVELOPED

P&S-000 RC

UNDEVELOPED

SP-00-00000

RESTAURANT

BANK

LAKELINE MALL DRIVE

GR

CH

P&S-000 RC

UNDEVELOPED

CH-PDA

GR

RETAIL CENTER

UNDEVELOPED

CH

GR

UNDEVELOPED

OPEN
RETAIL
CENTER

DATE: 05-01

INTLS: 6M

CITY GRID
REFERENCE
NUMBER

F40

ZONING EXHIBIT A

CASE #: C14-05-0006

ADDRESS: N US HWY 183 & LAKELINE

MALL DR

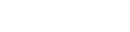
SUBJECT AREA (acres): 0.897

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: S. GAGER



SP-05-00000

SP-05-00000



1" = 400'