

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-11
AGENDA DATE: Thu 10/06/2005
PAGE: 1 of 1**

SUBJECT: C814-99-0001.04 - Avery Ranch PUD Amendment #4 - Plaza at Avery Ranch and The Shops at Avery Ranch - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14900 Avery Ranch Boulevard and 10550 Parmer Lane from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning (amendment to allow additional permitted uses). Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning (amendment to allow additional permitted uses). Applicant: Shoal Creek Ltd. (Robert D. Wunsch). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C814-99-0001.04

Z.A.P. DATE: September 6, 2005

ADDRESS: 14900 Avery Ranch Boulevard and 10550 Parmer Lane

OWNER/APPLICANT: Shoal Creek, Ltd. (Robert D. Wunsch, President)

AGENT: Waterstone Development (Theresa Canchola)

ZONING FROM: PUD

TO: PUD

AREA: Tract II-B: 7.06 acres
Tract III-F2: 15.00 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to approve the proposed amendment to the permitted use table for Tract II-B and Tract III-F2 to permit a Liquor Sales use on each tract that will not exceed 6,000 square feet and prohibiting Cocktail Lounge uses on these tracts within the PUD.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

9/06/05: Approved staff's recommendation of PUD zoning by consent (9-0); J. Martinez-1st, J. Gohil-2nd.

DEPARTMENT COMMENTS:

The applicant is requesting an amendment to the Avery Ranch Planned Unit Development (PUD) to allow Liquor Sales on Tracts II-B and III-F2. Tract II-B is located at the northwestern corner of Avery Ranch Boulevard and Parmer Lane and is currently developed with a retail shopping center. Tract III-F2 is an undeveloped parcel of land located at the southeastern corner of Avery Ranch Boulevard and Parmer Lane. The applicant plans to develop this site with a bank, a grocery store (Food Sales use), and other commercial retail uses.

The staff is supportive of this amendment request because the proposed Liquor Sales use will be constructed within planned retail shopping centers located at the intersection of two major arterial roadways. In addition, the proposed amendment to permit a Liquor Sales use on these two tracts within the PUD will allow the applicant to provide additional retail services to consumers living in the residential areas of the PUD development.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

TRACT II-B (located at the northwestern corner of Avery Ranch Boulevard and Parmer Lane):

	ZONING	LAND USES
<i>Site</i>	PUD	Retail Shopping Center, Laundry Services
<i>North</i>	PUD	Undeveloped
<i>South</i>	IP-PDA	Undeveloped
<i>East</i>	PUD	Retail Sales (Walgreen's Drug Store), Developing Office Uses
<i>West</i>	PUD	Single-Family Residential

TRACT III-F2 (located at the southeastern corner of Avery Ranch Boulevard and Parmer Lane):

	ZONING	LAND USES
<i>Site</i>	PUD	Undeveloped
<i>North</i>	PUD	Retail Sales (Walgreen's Drug Store), Developing Office Uses
<i>South</i>	SF-4A	Undeveloped Strip of Land, Single-Family Residences
<i>East</i>	PUD	Undeveloped
<i>West</i>	PUD	Undeveloped

AREA STUDY: N/A

TIA: Not required

WATERSHED: Brushy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

485 – Riviera Springs Community Development Association

604 – Davis Spring HOA

985 - Davis Springs HOA

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-99-0001.03	PUD to PUD	9/21/04: Approved staff's recommendation of PUD amendment by consent (7-0, K. Jackson-off dias, J. Gohil-absent)	5/12/05: Postponed indefinitely by the applicant (7-0)

C814-99-0001.02	PUD to PUD	1/28/03: Approved staff's recommendation of PUD zoning (6-0, J. Martinez, K. Jackson-off dias)	2/27/03: Granted PUD zoning as rec. by the ZAP Commission on 1 st reading (6-0, Goodman-off dias) 4/24/03: Approved PUD (6-0, Garcia-off dias); 2 nd /3 rd readings
C814-99-0001.01	PUD to PUD	6/18/02: Posponed to 7/16/02 by the applicant (8-0, A. Adams-absent) 7/16/02: Postponed to 7/30/02 by the staff for re-notification purposes (6-0, M. Casias/ D. Castaneda/ K. Jackson-absent) 7/30/02: Postponed to 9/10/02 by the applicant and neighborhood (6-0, V. Aldridge-absent) 9/10/02: Approved staff's recommendation for PUD zoning; by consent (6-0, D. Castaneda-absent)	10/10/02: Granted PUD on 1st reading (7-0) 1/30/03: Approved PUD amendment (7-0); 2 nd /3 rd readings
C14-96-0085	SF-2 to SF-4A	Approved staff rec. of SF-4A (7-0)	9/5/96: Approved SF-4A (7-0); all 3 readings
C14-95-0093	SF-2 to IP	Approved LO (1 st 100') & IP-PDA (Remainder) (6-0)	Approved LO & IP-PDA (6-0); 1 st reading only Approved LO (1 st 100') & IP-PDA subject to conditions (5-0); 2 nd /3 rd readings

RELATED CASES: C814-99-0001 (Avery Ranch PUD)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Avery Ranch Boulevard	130'	Varies	Arterial
Parmer Lane	250'	100'	Arterial

CITY COUNCIL DATE: October 6, 2005

ACTION:

ORDINANCE READINGS: 1st

2nd

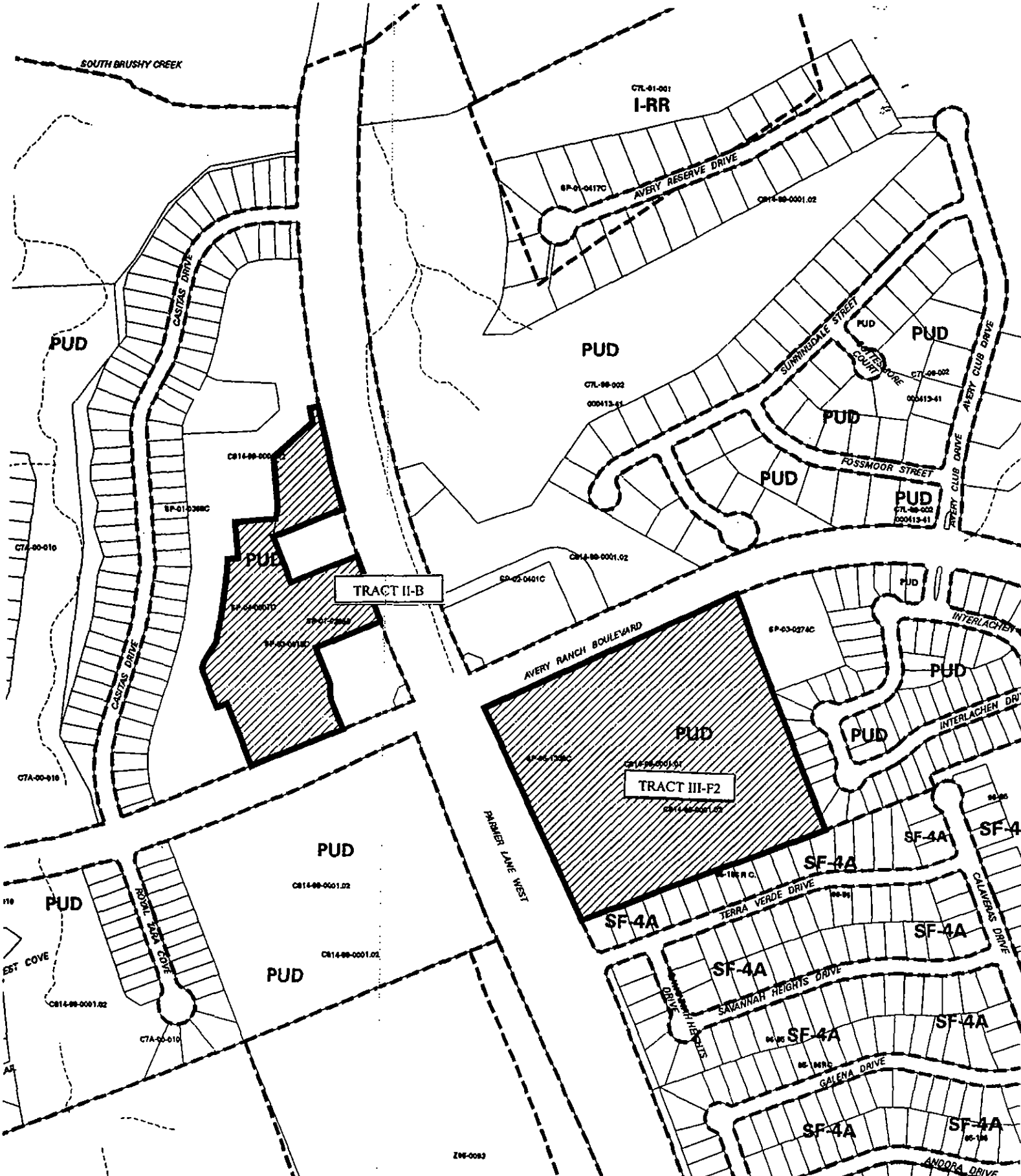
3rd

ORDINANCE NUMBER:

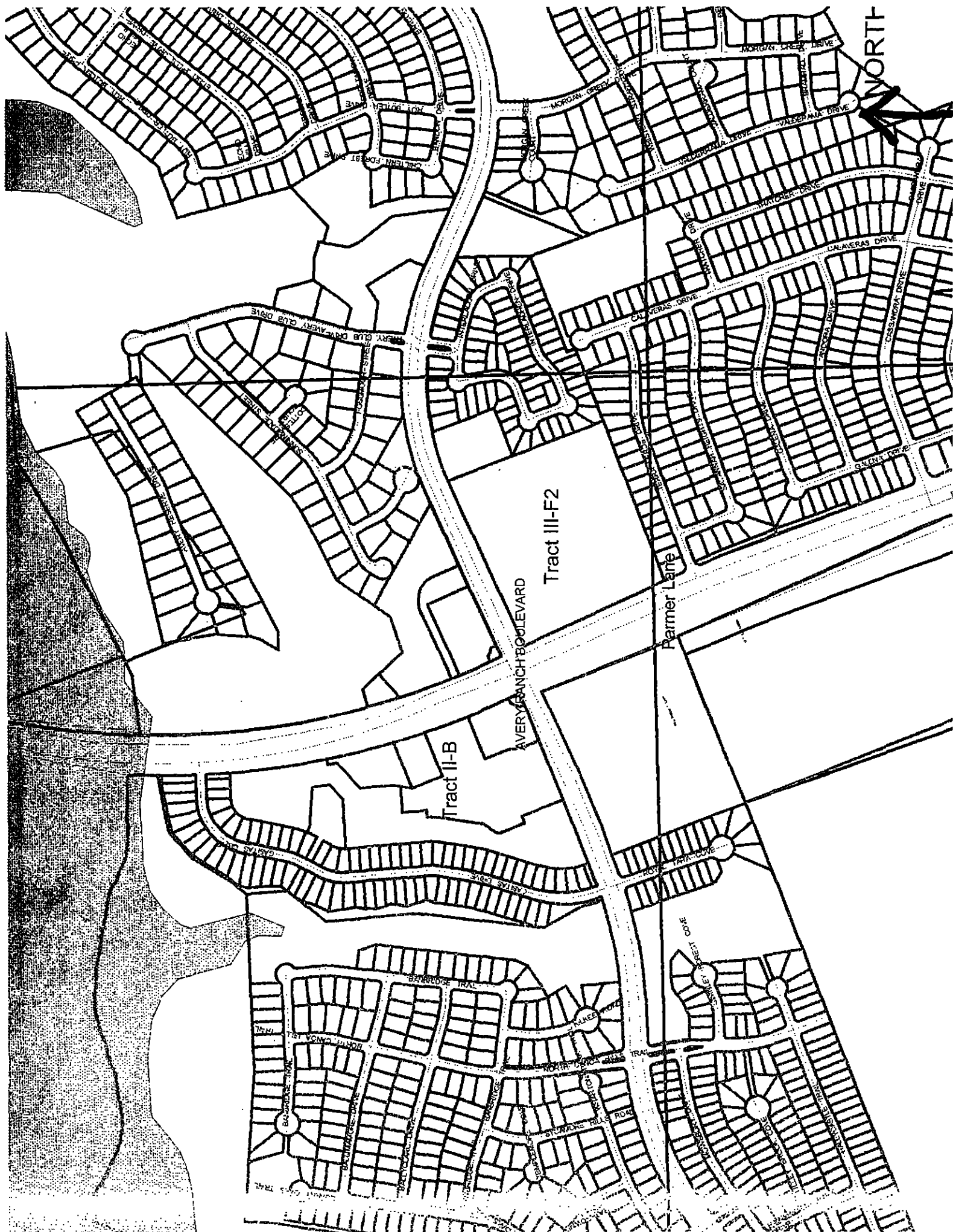
CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S. SIRWAITIS	PLANNED UNIT DEVELOPMENT CASE #: C814-99-0001.04 ADDRESS: 14900 AVERY RANCH BLVD SUBJECT AREA (acres): 22.450		DATE: 05-08 INTLS: SM	CITY GRID REFERENCE NUMBER G42





STAFF RECOMMENDATION

The staff's recommendation is to approve the proposed amendment to the permitted use table for Tract II-B and Tract III-F2 to permit a Liquor Sales use on each tract that will not exceed 6,000 square feet and prohibiting Cocktail Lounge uses on these tracts within the PUD.

BASIS FOR RECOMMENDATION

1. *The Planned Unit Development District (PUD) is intended for large or complex developments under unified control planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater flexibility for development proposed within the PUD.*

The Avery Ranch PUD has a mixture of residential and commercial uses, with large open spaces/parkland areas that are to be connected to the Williamson County trail system to the north that will be utilized by residents of the PUD.

The proposed amendment to the Avery Ranch PUD will not alter the overall benefits or intent of the PUD development. The amendment will permit the small a Liquor Sales use on tracts within the PUD that are currently planned to provide retail services to the residents of the PUD.

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

The proposed amendment to permit a 6,000 square foot Liquor Sales use on Tract II-B and Tract III-F2 would allow the applicant to provide additional retail services to the surrounding residential areas.

3. *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 proposed Liquor Sales use for Tract II-B and Tract III-F2 would be constructed within a planned retail shopping center located at the intersection of two arterial roadways, Farmer Lane and Avery Ranch Boulevard.

EXISTING CONDITIONS

Site Characteristics

Currently, Tract II-B is developed with a retail shopping center that includes a Jack Brown Cleaners (SP-03-0310C). Tract III-F2 is undeveloped. However, a site plan for a Financial Services use (SP-05-1339C-American Bank) is currently under review by the city staff for this location.

Impervious Cover

Impervious cover is controlled by Chapter 25-8 of the City's Land Development Code, as amended by the PUD Ordinance.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Brushy Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

Drainage Construction

Please place the following note on the cover sheet of the plans: "Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers."

PLAN/PLAT NOTES

Add the following Detention Note [LDC 25-7-61, DCM 1.2.2, DCM 8.2.1, DCM 8.3.2]:

ON-SITE DETENTION

"Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount existing at undeveloped status by ponding or other approved methods. "

Transportation

No additional right-of-way is required at this time. Additional right-of-way will be required per the AMATP and the approved PUD plan.

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.

Capital Metro bus service is not available within 1/4 mile of this property.

There are existing sidewalks along Avery Ranch Boulevard.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Avery Ranch Boulevard	130'	Varies	Arterial
Parmer Lane	250'	100'	Arterial

Water Quality

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION, AND CALCULATIONS SUPPLIED BY THE APPLICANT. The Engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not THE APPLICATION IS REVIEWED for code compliance BY CITY ENGINEERS.

This project is located at Avery Ranch Blvd at Parmer Lane. It is located in the Brushy Creek Watershed, which is classified as a Water Supply Suburban Watershed.

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.

Parks and Recreation

No comment.

Compatibility Standards

No comments regarding proposed addition of *Liquor Sales* to the permitted uses in the commercial zoning.



CHART C
BY DEVELOPMENT REGULATIONS

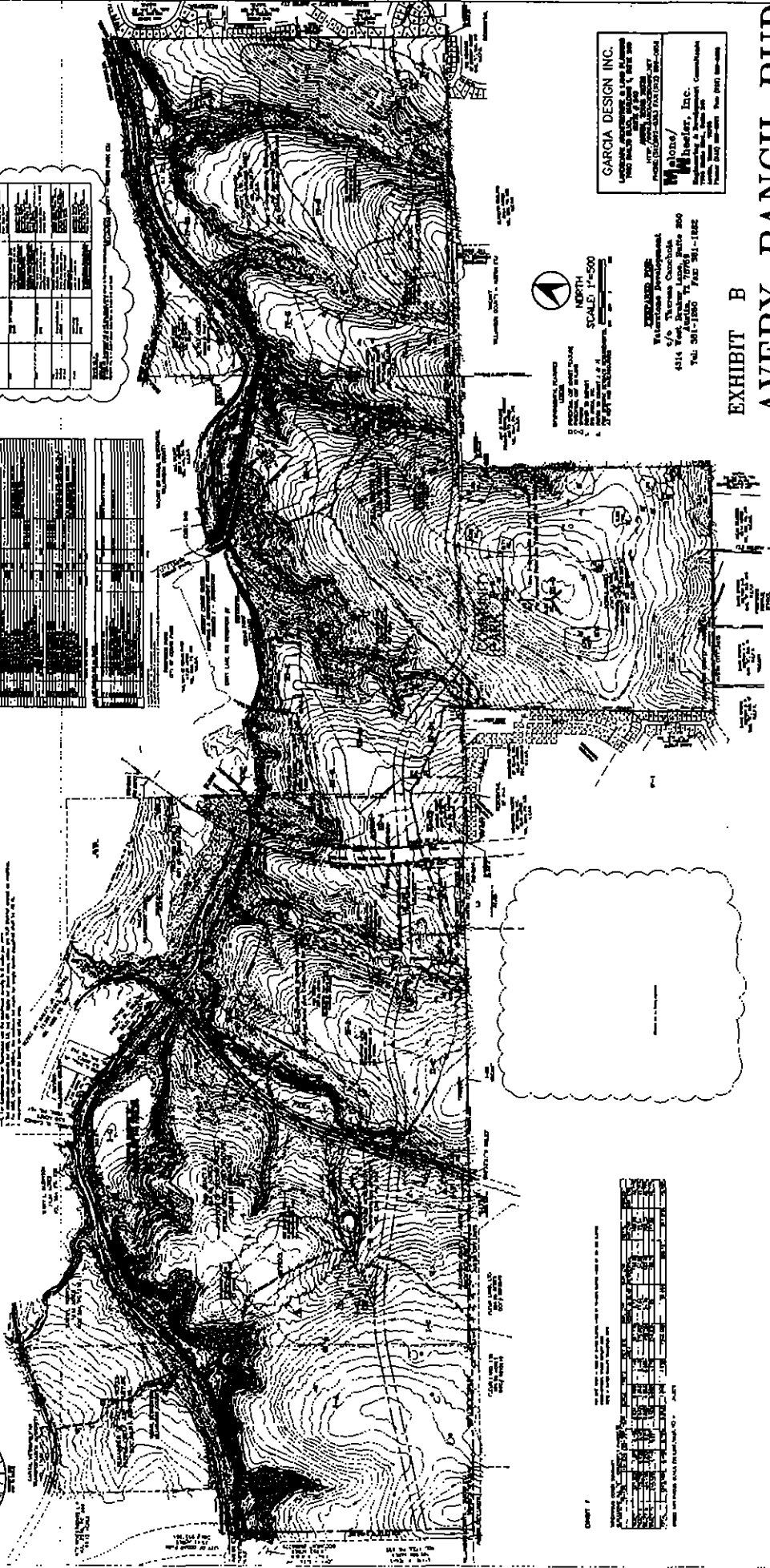
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CHART A
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SCALE 1"=500'
NORTH
DATE 10/1/88
BY J. J. GARCIA

GARCIA DESIGN INC.
LANDSCAPE ARCHITECTS & LAND PLANNERS
1000 N. 10TH AVE., SUITE 100
DENVER, CO 80202
TEL: 333-1111 FAX: 333-1111

Michael, Inc.
ENGINEERING & SURVEYING
1000 N. 10TH AVE., SUITE 100
DENVER, CO 80202
TEL: 333-1111 FAX: 333-1111

EXHIBIT B

EVERY RANCH, PUD LAND USE PLAN

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-99-0001.04

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

September 6, 2005 Zoning and Platting

Commission



JUSTIN TONG

Your Name (please print)

15900 ESTENCIA REY, AUSTIN, TX 78717

Your address(es) affected by this application

[Signature] 8/27/06

Signature

Date

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Robert Cunningham
Your Name (please print)

10009 Loxley Lane, Austin, TX

Your address(es) affected by this application 78717

Robert Cunningham 8-29-05
Signature Date

Comments: I do not want a

zoning change that would

allow a lower store to be

built.

If you use this form to comment, it may be returned to:

City of Austin

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Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Commission



ELEANOR CAMEZ

Your Name (please print)

11000 QUINCY OAKS TR. AUSTIN TX 78718

Your address(es) affected by this application

03-29-05

Date

Comments:

I REJECT ANY PROPOSAL FOR BUSINESS
TO SELL ALCOHOL IN THIS NEIGHBORHOOD
IN ANY FORM OR MANNER.
DOING THAT WILL IMPACT THE GREAT
FAMILY FRIENDLY ATMOSPHERE AND
SAFETY THIS NEIGHBORHOOD HAS FOR
ALL ITS RESIDENTS

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P. O. Box 1088

Austin, TX 78767-8810

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Public Hearing:

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Commission

Ryan B. Conner

Your Name (please print)

10209 LOXLEY LANE, AUSTIN TX, 78717

Your address(es) affected by this application

[Signature] 9/29/2005
Signature Date

Comments: Thankyou for this notice.

My objection is due to the fact that the School Districts stadium is less than 300 ft away from these properties. Having the Abuse of After School so close to an active arena where student and families attended is the reason not to allow liquor sales on these properties.

Again, Thank you for the notice. Ryan B. Conner

If you use this form to comment, it may be returned to:

City of Austin

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Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810



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KEVIN BOLTON

Your Name (please print)

14508 BALLIMORE DR. AUSTIN

Your address(es) affected by this application

Kevin A Bolton

Signature

Date

Comments:

negotiation sales add in no way to the value nor desirability of our neighborhood. I strongly object to the proposed changes!

If you use this form to comment, it may be returned to:

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Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-99-0001.04

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

September 6, 2005 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Holly Roff Avery Roff, Chelsea Roff, Donna Roff
Your Name (please print)

9328 Meyrick Rock Trail

Your address(es) affected by this application

Holly Vond Roff
Signature

8/25/2005
Date

Comments:

Who is submitting this request anyway?

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

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Commission

☐ I am in favor
☒ I object

Kevin & Julie Rhodes
Your Name (please print)

15020 Banbridge Trl

Your address(es) affected by this application

Kevin
Signature

9-3-05
Date

Comments:

This neighborhood has likely thousands of many, many children. Why must we allow them constant, day-to-day exposure to a liquor establishment? They will be exposed "enough" later in their youth. But please, please, please, please not here by their house.

Kevin & Julie

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Vonne Lucero

Your Name (please print)

14452 Lilley Brook Cove

Your address(es) affected by this application

Vonne Lucero

Signature

8/31/05

Date

Comments:

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DANIEL MORAN

Your Name (please print)

9404 BILLINGHAM TOWN

Your address(es) affected by this application

[Signature]

Signature

8/24/05

Date

Comments:

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☐ I am in favor
☒ I object

DAVID & Stephanie Smith

Your Name (please print)

15901 Estancia Rey Dr. Austin, TX 78747

Your address(es) affected by this application

David & Stephanie Smith

Signature

8/29/05

Date

Comments:

I do not want liquor to be sold
in the Avery Ranch area listed.

If you use this form to comment, it may be returned to:

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☐ I am in favor
☒ I object

Heather Smith

Your Name (please print)

16209 Double Eagle Drive

Your address(es) affected by this application

Heather Smith

Signature

8/14/05

Date

Comments:

I am definitely opposed
to having any kind of
restaurant that close to our
neighborhood that will be
serving alcohol. I also don't
want a liquor store or anything
else up in those shopping facilities
not at all what I was looking
for when I bought in Avery
Ranch

If you use this form to comment, it may be returned to:

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ELIZABETH JOSEPH

Your Name (please print)

11309 LOS COMANCEROS RD

Your address(es) affected by this application

Shelby

Signature

Date

8/28/05

Comments: No liquor in 25 mile vicinity of residence

Liquor sale near any
residential area
is not to be allowed.
Liquor sale near residential
area is inviting
trouble. No promise is
good enough to avoid
trouble with the future,
which inevitably will happen.

If you use this form to comment, it may be returned to:

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Public Hearing:

September 6, 2005 Zoning and Platting

Commission

GLEN C. MILLER

Your Name (please print)

15437 FISHER ISLAND DR, AUSTIN TX 78717

Your address(es) affected by this application

Glen C. Miller

Signature

Date

8/28/05

Comments:

My wife and I object to
a liquor store in our
neighborhood if approved this
zoning change will result
in at least four (4) liquor
outlets in an approximate
3.5 mile radius. Such businesses
are detrimental to family values
and the quality of life of this neighborhood.
If granted this rezoning request will
If you use this form to comment, it may be returned to: ALLOW A
City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810
LIQUOR STORE
NEXT DOOR
TO A CHILDREN'S
SCHOOL WHICH
FEELS IS ILLEGAL.



PUBLIC HEARING INFORMATION

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Commission



Silesia Duplessis-Core

Your Name (please print)

15612 Interlachen Dr. Austin 78717

Your address(es) affected by this application

Silesia Duplessis-Core 8-31-05

Signature

Date

Comments:

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September 6, 2005 Zoning and Platting

Commission

WAYNE COOPER SMITH

Your Name (please print)

9805 VADEKARMA DRIVE

Your address(es) affected by this application

Wayne Cooper Smith

Signature

08/31/2005

Date

Comments:

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☒ I am in favor
☐ I object

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Brian K. + Kathryn A Lilly

Your Name (please print)

10328 Avery Club Dr Austin 78717

Your address(es) affected by this application

[Signature]

Signature

8/28/05

Date

Comments:

Too close to Preschool Day Care

and Single Family Residences.

There are already business

establishments nearby that provide

this service already (Parker + Co 20)

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☐ I am in favor
☒ I object

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Mrs MARY BOWEN

Your Name (please print)

10817 Quarry Oaks Trail - Austin 78727

Your address(es) affected by this application

~~Sherri~~ Mary Bowen 9-6-05

Signature

Date

Comments: We bought here because

this area he wants for a
liquor store. The store has
abutting the across directly
this developer has pictures of
little children with parents to
like young families in it to
buy stuff. A liquor store
has no place here. It can
easily become a "bar in time."
(Drunk drivers on our streets)

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Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

P.S. I read this
notice on Sep 6, 2005.
too late!

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Commission



Michael Guerrero

Your Name (please print)

10521 Dunham Forest Rd. Austin, TX 78717

Your address(es) affected by this application

Michael Guerrero

Signature

8/31/05

Date

Comments:

Alcohol should not be sold when there is a children's nursery in close proximity to the store.

If you use this form to comment, it may be returned to:

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September 6, 2005 Zoning and Platting

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John Nelson

Your Name (please print)

15208 Sunningdale, Austin, TX 78717

Your address(es) affected by this application

John Nelson

Signature

9/3/05

Date

Comments:

I am concerned about liquor stores significantly decreasing property values and being close to my children playing and schools

Liquor stores will draw potential undesirable individuals to our neighborhood

If you use this form to comment, it may be returned to:

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☐ I am in favor
☒ I object

MARIE C. ATKINSON

Your Name (please print)

15013 Bonbridge Trail Austin, TX 78717

Your address(es) affected by this application

Maria C. Atkinson 23 Sept 05

Signature

Date

Comments: I object to any higher
establishments in my neighborhood.

If you use this form to comment, it may be returned to:

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☐ I am in favor
☒ I object

ARUNACHALAM ARUNACHALAM

Your Name (please print)

14609 BALLMAMORE DR, AUSTIN, TX 78717

Your address(es) affected by this application

A. Arunachalam

Signature

09/14/05

Date

Comments:

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