

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



**AGENDA ITEM NO.: Z-12  
AGENDA DATE: Thu 10/06/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0140 - 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 U.S. Highway 183 North at Lakeline Mall Drive (Lake Creek Watershed) from commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Hutto Place, L.P. (Thomas J. Wolfe). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0140

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

**ADDRESS:** U.S. Highway 183 North at Lakeline Mall Drive

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

**AGENT:** Thrower Design  
(Ron Thrower)

**ZONING FROM:** CS-1-CO      **TO:** GR      **AREA:** 0.897 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant GR, Community Commercial District, zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

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

### **DEPARTMENT COMMENTS:**

The property in question is a parcel of land located adjacent to a recently developed retail shopping center. The site has access to U.S. Highway 183 North and Lakeline Mall Drive. The applicant is requesting GR, Community Commercial District, zoning for the property because he would like to develop the site with a restaurant. The applicant has applied to downzone this tract of land to GR because he no longer plans to construct a liquor sales use on this property and would like to remove the existing conditional overlay for the site that prohibits Restaurant (General) uses (case C14-05-0006). This property was previously zoned for GR district uses on May 24, 2001, through zoning case C14-98-0266.

The staff recommends the applicant's request for GR 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 GR 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 staff's recommendation.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<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

**AREA STUDY:** N/A

**TIA:** Not Required

**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
C14-05-0006	GR to CS-1	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)	3/10/05: Approved CS-1-CO on all 3 readings (7-0)
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)	
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)	

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)	
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 <sup>st</sup> reading (6-0, Goodman-absent)  8/31/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> 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 <sup>st</sup> reading only (7-0)  12/14/00: Approved GO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> 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 <sup>st</sup> reading  5/24/01: Approved GR (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup>
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 <sup>st</sup> reading 12/7/95: Approved CS (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> 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 <sup>st</sup> reading  2/29/95: Approved GR (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> 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 <sup>st</sup> reading  2/9/95: Approved GR w/ conditions (6-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings

**RELATED CASES:** C14-05-0006  
C14-98-0266

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
US Highway 183	Varies	Varies	Major Arterial

**CITY COUNCIL DATE:** October 6, 2005

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)

GR

SP-98-0089C

R85-392  
RC

GU

PU  
HO

LAKE LINE BOULEVARD

94-0192

R85-365 RC

SP97-8017C

RETAIL CENTER

GR

GO

00-2107

UNDEVELOPED  
NORTH LAKE CREEK PARKWAYGR  
00-029

U.S. HIGHWAY 183

UNDEVELOPED

94-00134

R85-388 RC

CS

87-0041

GR-CO

COMMERCIAL  
RETAIL CENTER

R85-380 RC

UNDEVELOPED

01-0173

GR

RETAIL CENTER

UNDEVELOPED

CS-1-20

SP-98-2041C

R85-380

CH

UNDEVELOPED

RESTAURANT  
BANK

LAKELINE MALL DRIVE

NORTH LAKE CREEK

R88-182

95-0044

SP-98-0086C

CS

UNDEVELOPED

SP-01-0219C

SP-01-0219C

86-182

95-0044

CS

85-178

LAKELINE MALL DRIVE

SP97-0346C

95-0466C

SP-98-0147C

LAKELINE MALL DRIVE

SP-01-0334C

CH-PDA

GR

CH

R85-380 RC

GR

RETAIL CENTER

00-2084

94-0121

03-0048

03-0046

GR

UNDEVELOPED

OPEN  
RETAIL  
CENTERCITY GRID  
REFERENCE  
NUMBER

F40

ZONING

CASE #: C14-05-0140

ADDRESS: N US HWY 183 AT

LAKELINE MALL DR

SUBJECT AREA (acres): 0.837

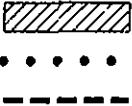
DATE: 05-08

INTLS: SM

SUBJECT TRACT  
PENDING CASE

ZONING BOUNDARY

CASE MGR: S. SIRWAITIS



1" = 400'

SP-98-0488C

SP-98-100

## **STAFF RECOMMENDATION**

The staff's recommendation is to grant GR, Community Commercial District, zoning.

## **BASIS FOR 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.*

The GR 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 GR 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 restaurant 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 GR zoning district would be 90%. 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. 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 flood plain within 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 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 providing structural 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, which would preempt current water quality or Code requirements.



## **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, each, and land use with City of Austin 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 relocation, and utility adjustments. 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 water and wastewater utility construction must be inspected by the City. The landowner must pay the applicable and associated City fees.

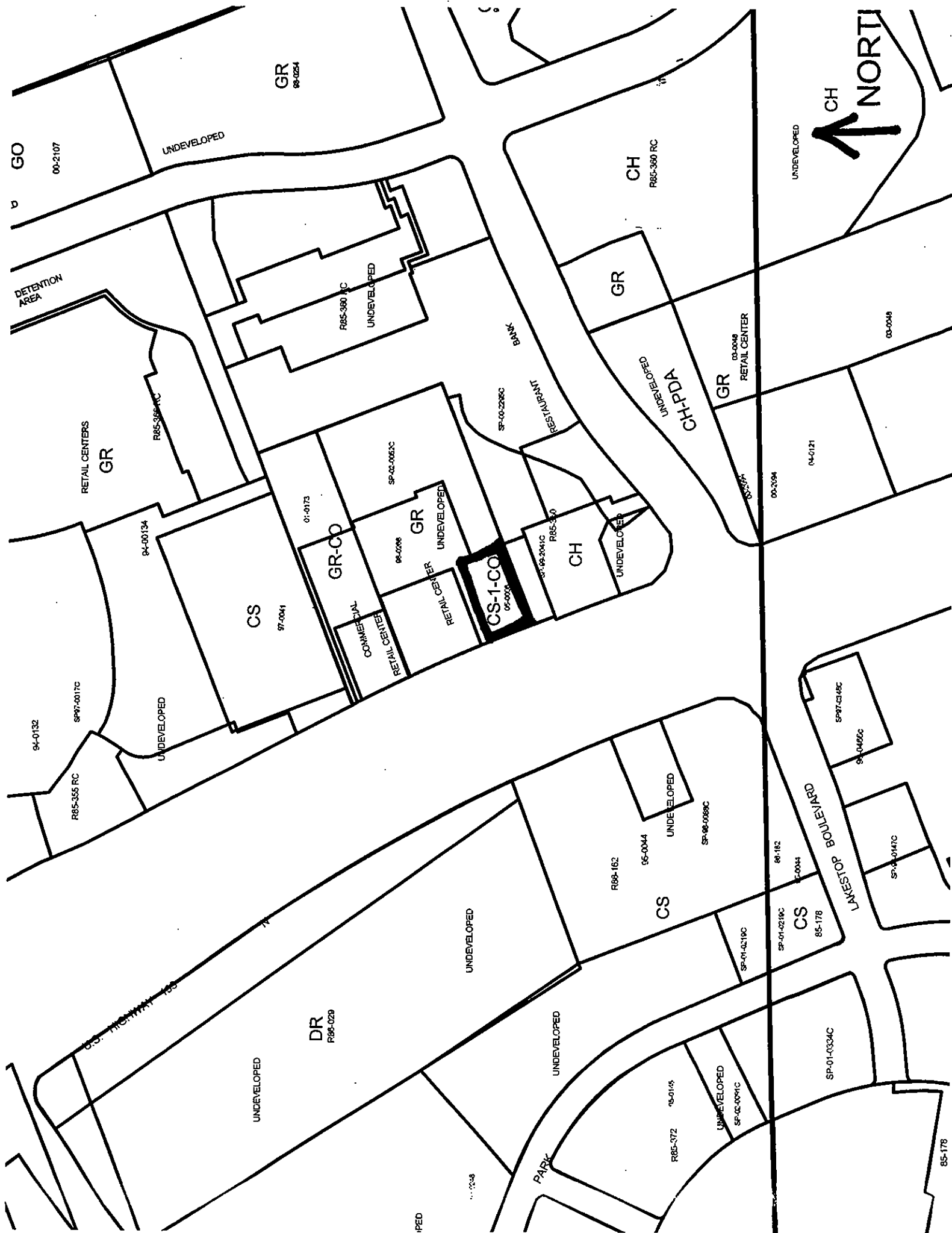
### **Stormwater Detention**

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**

The property is not subject to compatibility standards. Commercial zoning surrounds this site. This tract of land is undeveloped and the proposed zoning change is a footprint adjacent to an existing retail development.

The closest residential property is located off of Cowdry Park. This property is zoned SF-2.





ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT U.S. HIGHWAY 183 NORTH AT LAKELINE MALL  
3 DRIVE FROM COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY  
4 (CS-1-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL (GR)  
5 DISTRICT.  
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
8

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
10 change the base district from commercial-liquor sales conditional overlay (CS-1-CO)  
11 combining district to community commercial (GR) district on the property described in  
12 Zoning Case No. C14-05-0140, on file at the Neighborhood Planning and Zoning  
13 Department, as follows:  
14

15 Lot 3, Block A, Northwest 183 Section 1 Subdivision, a subdivision in the City of  
16 Austin, Travis County, Texas, according to the map or plat of record in Document  
17 No. 200300013, of the Official Public Records of Travis County, Texas (the  
18 "Property"),  
19

20 locally known as 9 S Highway 183 North at Lakeline Mall Drive, in the City of Austin,  
21 Travis County, Texas, and generally identified in the map attached as Exhibit "A".  
22

23 **PART 2.** This ordinance takes effect on \_\_\_\_\_, 2005.  
24

25  
26 **PASSED AND APPROVED**  
27

28 §  
29 §  
30 §

\_\_\_\_\_, 2005

\_\_\_\_\_  
Will Wynn  
Mayor

31  
32  
33  
34  
35 **APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

36 David Allan Smith  
37 City Attorney

Shirley A. Brown  
City Clerk

