

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0156 (Austin 7)

Z.A.P. DATE: January 15, 2013

ADDRESS: 1434 West Wells Branch Parkway

OWNER/APPLICANT: HEB Grocery Company, L.P. (Todd Piland)

AGENT: Bury & Partners, Inc. (Melissa Neslund)

ZONING FROM: I-RR

TO: GR

AREA: 10.07 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommends GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity to less than 2,000 vehicle trips per day over the existing land uses.

In addition, 70 feet of right-of-way should be dedicated from the existing centerline of Wells Branch Parkway through a street deed prior to 3rd reading of this case at City Council in accordance with the Transportation Plan.*

*On January 25, 2013, the Transportation staff submitted an e-mail stating that based on further review of this case, they have determined that no additional right-of-way will be required at this time (Please see Attachment A).

ZONING AND PLATTING COMMISSION RECOMMENDATION:

1/15/13: Approved staff's recommendation of GR-CO zoning by consent (6-0, P. Seeger-absent); G. Rojas-1st, S. Compton-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a commercial retail center (Countryside Place). To the north there is a single-family neighborhood. The tracts of land to the south are developed with an automotive repair use (Jiffy Lube), a restaurant use (Wendy's) and office, commercial and industrial uses (Wells Branch Tech Center: Emerson Network Power, NGS-National Service Group, Mr. Rekey Locksmith Services, UHS, Harmony Science Academy). The property to the east contains an undeveloped parcel and the Manville Water Tower. The land to the west is currently developed with a portion of the HEB grocery store and gas pumps. Across FM 1825 Road to the west, there are restaurant uses (Jack in the Box and Taco Cabana) and a service station (Texaco). The applicant is requesting permanent zoning to bring the existing uses on the site (HEB Grocery, T-Mobile, Sally's Beauty Supply, Cost Cutters, H& R Block, 10 Pretty Nails, GNC, Subway, Ace Cash Express, Rent a Center, and Goodwill) into conformance with City of Austin Land Development Code use regulations.

The staff recommends GR-CO, Community Commercial-Conditional Overlay District, zoning for the site under consideration. The property meets the intent of the GR district as it fronts onto an arterial roadway, Wells Branch Parkway, and will provide uses serves neighborhood and community needs. The proposed zoning is compatible with surrounding zoning as there is GR

zoning to the west and CS-CO zoning to the south, across Well Branch Parkway. The proposed GR-CO zoning will permit the existing uses on the site.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Commercial Retail Center (Countryside Place: HEB Grocery Store, T-Mobile, Sally's Beauty Supply, Cost Cutters, H&R Block, 10 Pretty Nails, GNC, Subway, Ace Cash Express, Rent a Center, and Goodwill)
<i>North</i>	I-RR, RR	Undeveloped Tract, Manville Water Tower
<i>South</i>	CS-CO	Automotive Repair (Jiffy Lube), Restaurant (Wendy's), Office/Commercial/Industrial (Wells Branch Tech Center: Emerson Network Power, NGS-National Service Group, Mr. Rekey Locksmith Services, UHS, Harmony Science Academy)
<i>East</i>	I-RR	Undeveloped Tract, Manville Water Tower
<i>West</i>	GR, CS	Food Sales, Service Station (a portion of the HEB Grocery Store, HEB Gas Pumps), Restaurants (Jack in the Box and Taco Cabana), Service Station (Texaco)

AREA STUDY: N/A

TIA: Waived

WATERSHED: Harris Branch

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
 Austin Monorail Project
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 North Growth Corridor Alliance
 League of Bicycling Voters
 Pflugerville Independent School District
 SELTEXAS
 Sierra Club, Austin Regional Group
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0123 (Wells Branch Properties: 1215, 1301, and 1307 Wells Branch Parkway)	RR to LI* *On November 7, 2011, the agent for this case stated that the applicant agrees with the staff's rec. of CS	11/15/11: Approved CS-1-CO zoning on consent (6-0, G. Bourgeios-absent); P. Seeger-1 st , C. Banks-2 nd .	12/08/11: Approved CS-CO zoning on consent (6-0; S. Cole-off dais); B. Spelman-1 st , L. Morrison-2 nd .

	district zoning for this site. Mr. Faust also said that his client would like to offer a conditional overlay for this case to prohibit Adult Oriented Business and Pawn Shop uses at this location.		
C14-05-0148 (North IH-35 and West Howard Lane)	I-RR to CS-MU	10/18/05: Approved staff's recommendation for CS-MU-CO zoning, with 2,000 vehicle trip limit, by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	11/17/05: Approved ZAP recommendation of CS-MU-CO zoning by consent (7-0)
C14-05-0007 (1517 Kramer Lane)	SF-6 to LO	2/12/03: Approved LO-MU-CO-NP w/ conditions (7-0)	3/20/03: Approved LO-MU-CO-NP zoning (7-0); 1 st reading 4/24/03: Approved LO-MU-CO-NP (6-0); 2 nd /3 rd readings
C14-03-0083 (Iron Mountain Office Warehouse: 15300 FM 1825 Road)	I-RR to CS	6/24/03: Approved staff rec. of CS-CO by consent (7-0)	7/31/03: Approved CS-CO zoning (7-0); all 3 readings
C14-00-2140 (Sarah's Creek South: Drusilla Drive)	I-RR to SF-4	8/15/00: Approved staff rec. of SF-4A by consent (9-0)	9/28/00: Approved SF-4A for Tract 1 and RR for Tract 2 (7-0); 1 st reading 12/07/00: Approved SF-4A for Tract 1 and RR for Tract 2 (7-0); 2 nd /3 rd readings
C14-00-2137 (Sarah's Creek: Drusilla Drive)	I-RR to SF-4	8/15/00: Approved staff rec. of SF-4A by consent (9-0)	9/28/00: Approved SF-4A (7-0); all 3 readings
C14-98-0076	I-RR to LI	7/14/98: Approved W/LO-CO w/conditions (7-1, SA-Nay)	10/8/98: Approved CS-CO w/many conditions (6-0); 1 st reading 4/1/99: Approved CS-CO w/conditions (7-0); 2 nd /3 rd readings
C14-98-0069	I-RR to CS	7/14/98: Approved GR (8-1, RR-Nay)	8/13/98: Approved CS-CO (6-0); 1 st reading 10/1/98: Approved CS-CO w/conditions (7-0); 2 nd /3 rd readings

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Wells Branch Parkway	120'	2@29'	Major Arterial	Not Available

CITY COUNCIL DATE: February 14, 2013

ACTION:

ORDINANCE READINGS: 1st

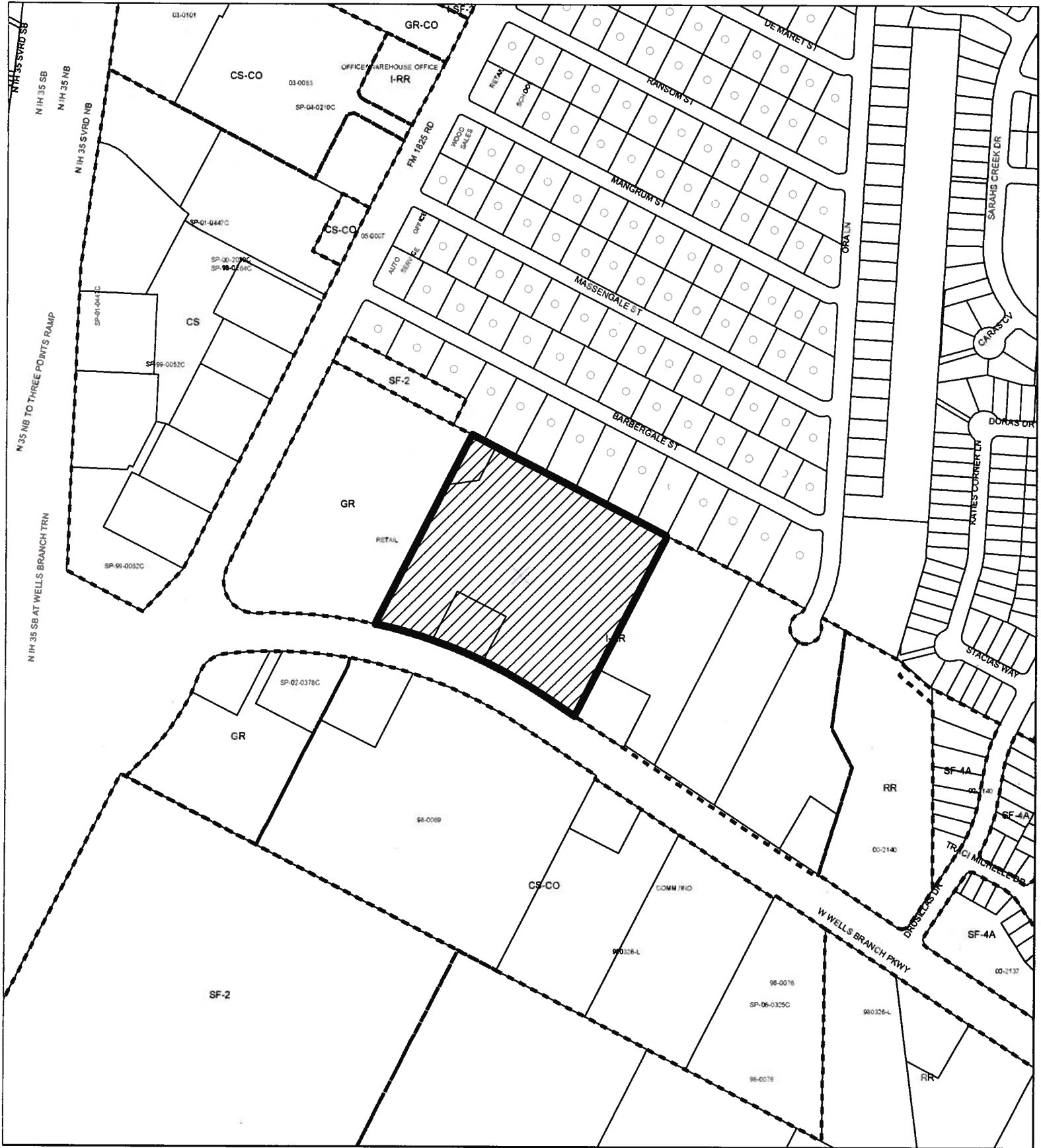
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis




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



ZONING

ZONING CASE#: C14-2012-0156



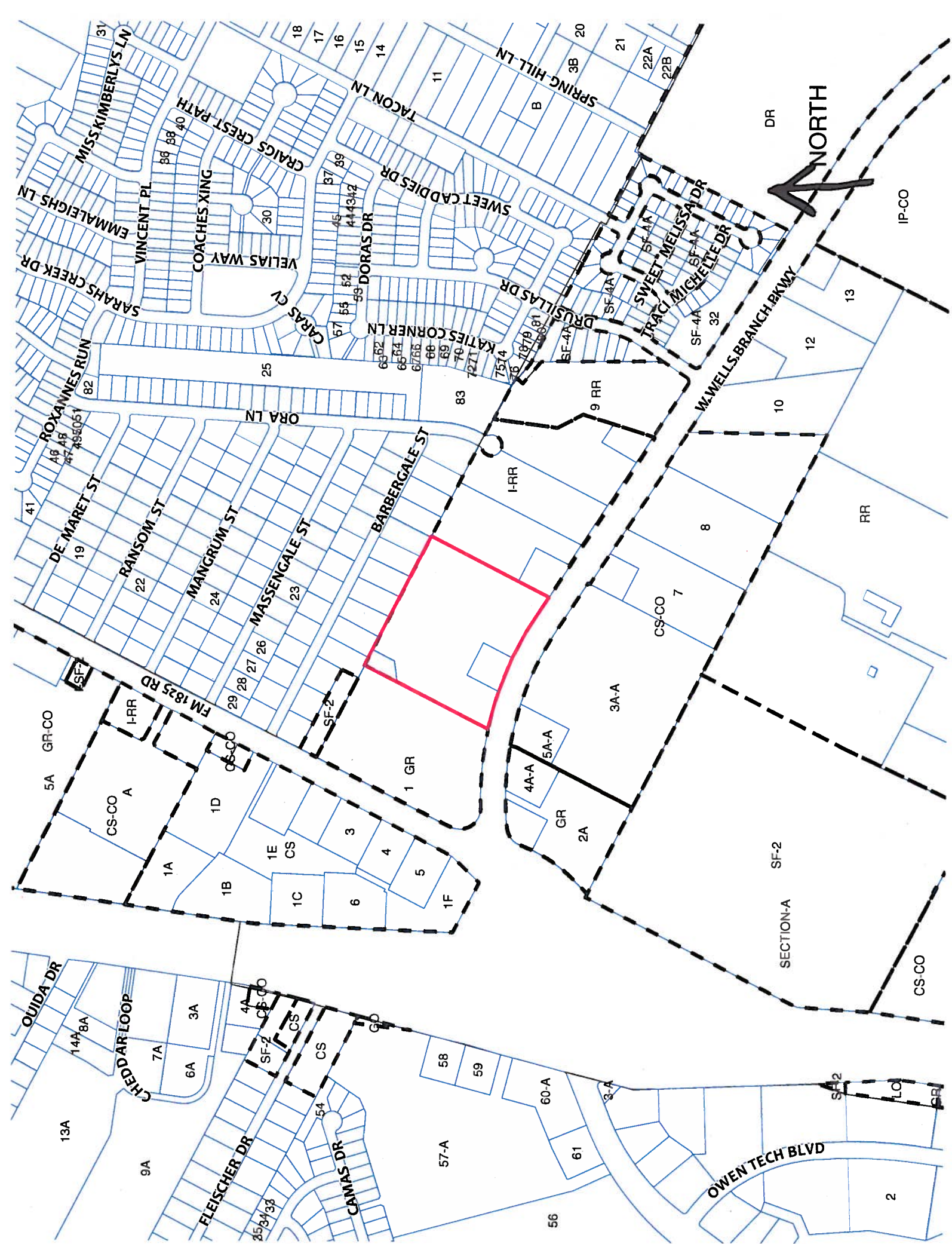
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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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MASENGALE ST

BARBERGATE ST

W WELLS BRANCH PKWY
NORTH

FM 1825 RD

SECTION 5A
SF-2

FLEISCHER DR

4A CS-00
SF-2

STAFF RECOMMENDATION

The staff recommends GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity to less than 2,000 vehicle trips per day over the existing land uses.

In addition, 70 feet of right-of-way should be dedicated from the existing centerline of Wells Branch Parkway through a street deed prior to 3rd reading of this case at City Council in accordance with the Transportation Plan.

BASIS FOR RECOMMENDATION

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

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.

The property meets the intent of the GR district as it fronts onto an arterial roadway, Wells Branch Parkway, and will provide services for the adjacent residential neighborhood.

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

The proposed zoning is compatible with surrounding zoning and uses as there is GR zoning to the west and CS-CO zoning to south, across Wells Branch Parkway.

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

The proposed GR-CO zoning will allow the applicant to bring the existing commercial uses on the site into conformance with City of Austin Land Development Code use regulations.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is developed with a commercial retail center (Countryside Place) that contains the following uses: HEB Grocery, T-Mobile, Sally's Beauty Supply, Cost Cutters, H&R Block, 10 Pretty Nails, GNC, Subway, Ace Cash Express, Rent a Center, and Goodwill.

Comprehensive Planning

This zoning case is located on the northeast corner of FM 1825 and W. Wells Branch Parkway and contains a shopping center, including an HEB grocery store. This rezoning is not located within the boundaries of a neighborhood planning area. Surrounding land uses include single family houses to the north, commercial uses, a hospital and a school to the south, commercial uses to the west, and vacant land to the east.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of W. Wells Branch Parkway as an **Activity Corridor**. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized

by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development and promoting a compact and connected city:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on the property being located along an Activity Corridor, and the Imagine Austin policies referenced above, staff believes that this existing commercial land use is supported by the Imagine Austin Comprehensive Plan.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Harris Branch Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to floodplain 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.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

Site Plan

Per the engineer's summary letter, No New Development is proposed with this zoning change request.

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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for Burleson Road. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of Wells Branch Parkway in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)*

*Revised on January 25, 2013: No additional right-of-way is need at this time (Please see Attachment A).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a

conditional overlay to not exceed 2,000 vehicle trips per day over the existing land uses. [LDC, 25-6-117]

Wells Branch Parkway is classified in the Bicycle Plan as Bike Route No. 114.

Capital Metro bus service is not available along Wells Branch Parkway.

There are existing sidewalks along Wells Branch Parkway.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Wells Branch Parkway	120'	MAD-4	Major Arterial	14,017

Water and Wastewater

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 the Austin Water Utility for compliance with City criteria. 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.

Sirwaitis, Sherri

From: Naranjo, Ivan
Sent: Friday, January 25, 2013 1:54 PM
To: Sirwaitis, Sherri
Cc: Almazan, Joe
Subject: C14-2012-0156

Hi Sherri,

Based on the information below provided by Joe Almazan, please revise my previous comment for this zoning case to reflect that "No additional right-of-way is needed at this time". Many thanks for your assistance and please contact me if you have any questions or need additional information.

Best regards,

Ivan J. Naranjo, Senior Transportation Planner
City of Austin - Planning & Development Review Dept.
Land Use Review Division / Transportation Review Section
Office: 512.974.7649 / Fax: 512.974.2423
Email: ivan.naranjo@@austintexas.gov

From: Almazan, Joe
Sent: Friday, January 25, 2013 12:55 PM
To: Naranjo, Ivan
Subject: RE: C14-2012-0156 HEB7 - ROW Reconsideration Request

Ivan,

I am familiar with this HEB shopping center.

Both the approved site plan for initial construction (SP-95-0423C) and the replacement site plan (SP-97-0214CR) do not show any ROW dedication. It is possible that prior to 2000, the adopted AMATP showed no additional ROW requirements for Wells Branch Pkwy based on 120' ROW.

After 2000, the AMATP could have been amended to the current 140' ROW that is needed for future 2025 traffic conditions.

The request is to obtain the GR zoning for the "portion" of the developed site that is legal, non-conforming so that the entire site receives the entitlement of the proper GR zoning district.

If the site was being redeveloped, then the City should consider the additional ROW in accordance with the AMATP because of the potential traffic impact the redevelopment may have on the surrounding roadway system and intersection operations.

Based on the history and reasons outlined below #1 through #4, I agree with Melissa Neslund.

Transportation Review comments for this zoning case should be that *no additional right-of-way is required at this time*.

Joe R. Almazan

Development Services Process Coordinator

Land Use Review Division - Transportation Review Section

Planning and Development Review Department

Tel: (512) 974-2674

Fax: (512) 974-3010

Email: joe.almazan@austintexas.gov

Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act.

From: Naranjo, Ivan

Sent: Friday, January 25, 2013 11:08 AM

To: Almazan, Joe

Subject: FW: C14-2012-0156 HEB7 - ROW Reconsideration Request

S,

Please check out this request to not dedicate ROW for Wells Branch Parkway and let me know if this is something we can decide or should we get ATD (Terri McManus) involved in this decision. Many thanks for your assistance.

Regards,

Z

From: Neslund, Melissa [<mailto:mneslund@burypartners.com>]

Sent: Friday, January 25, 2013 11:00 AM

To: Naranjo, Ivan

Cc: Sirwaitis, Sherri; Neslund, Jonathan

Subject: C14-2012-0156 HEB7 - ROW Reconsideration Request

Hello Ivan,

Nice visiting with you earlier, and I appreciate the reconsideration on the right-of-way dedication recommendation associated with the HEB7 zoning case. For reference, attached is a zoning map of the area being zoned, a site plan of the existing shopping center, and the staff recommendation report.

Our request is to defer the ROW dedication along Wells Branch Parkway to a new site plan when the property is redeveloped in the future. The history and rationale is below:

- 1) When the HEB shopping center was developed in 1997, the portion of the tract at the hard corner was in the full purpose limits and already zoned GR. The remaining portion of the tract was in the 2-mile ETJ and unzoned. The entire site was permitted under SP-97-0214 at which time ROW could have been requested.
- 2) When the portion of the property in the 2-mile ETJ was annexed, HEB was not aware they could request permanent zoning and missed the opportunity.
- 3) HEB asked our office to zone the non-conforming portion of the tract to GR, so the entire site will be in compliance with the COA zoning regulations.
- 4) Requiring we dedicate 10 feet of ROW along Wells Branch in conjunction with the zoning only gets the City ROW along the portion we are requesting a zoning on, not the hard corner that's already zoned GR. It would seem more reasonable to defer the ROW dedication to a future new site plan/redevelopment when the entire length of the property could be dedicated.
- 5) Furthermore, we do not believe it make sense for our client to spend the extra cost and time to survey the ROW for the portion of the tract that's requesting permanent zoning to GR. They are already going through the process to obtain the the appropriate zoning for no reason other than to come into the City's zoning

compliance, so adding this extra requirement and cost at this phase may cause them to withdraw their zoning case altogether.

We respectfully ask that you consider the site specific details outlined above. We believe deferring the dedication to a future site plan/redevelopment is reasonable and ask for your consideration.

Thanks in advance, and let me know if you have any specific questions.

Melissa Neslund

Project Director-Land Use & Entitlements / Associate



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TBPE #F-1048

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