

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2011-0146 – Oak Hill Heights Commercial

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7401 West U.S. Highway 290 (Williamson Creek – Barton Springs Zone) from limited office – neighborhood plan (LO-NP) combining district zoning to neighborhood commercial – conditional overlay – neighborhood plan (LR-CO-NP) combining district zoning, as amended. The Conditional Overlay prohibits service station use.

DEPARTMENT COMMENTS:

This 2.346 acre property is currently zoned LO-NP and is undeveloped. Since First Reading approval, the Applicant has amended the request from GR-CO-NP to LR-CO-NP with the conditional overlay prohibiting service station use, as Staff and the Planning Commission recommended. Prohibiting service station use addresses the concerns in the petition filed by representatives of the First Baptist Church of Oak Hill.

Under the provisions of Section 25-2-246(C)(1) (*Expiration of Application*), the rezoning case was extended for 90 days which allowed time to discuss driveway access issues with the adjacent church and senior living properties and further consider the service station use. Staff mailed out notice for Second/Third Readings prior to consideration by the City Council.

OWNER & APPLICANT: Jimmy Nassour

AGENT: Alice Glasco Consulting (Alice Glasco)

DATE OF FIRST READING: February 9, 2012, Approved GR-CO-NP combining district zoning, on First Reading. Direction was given to staff to come back with a restrictive covenant in the event underground storage tanks associated with a gas station is placed on this site in the future so they would have to adhere to the recharge zone requirements rather than the contributing zone requirements (4-3, Council Members Morrison, Riley and Tovo voted nay).

CITY COUNCIL HEARING DATE: March 21, 2013

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov



City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

January 25, 2013

Alice Glasco
Alice Glasco Consulting
5117 Valburn Court, Suite A
Austin, Texas 78731

**Re: Extension for Oak Hill Heights Commercial, located at 7401 West U.S.
Highway 290**

Dear Ms. Glasco:

City staff has reviewed your request for a 360-day extension of zoning case file number C14-2011-0146 – Oak Hill Heights Commercial. Pursuant to Sections 25-2-246(C)(1) and (C)(2) (*Expiration of Application*) of the Land Development Code, the maximum amount of time for an extension of a zoning case is 180 days. In regards to the above-referenced case, Staff believes that resolution of the remaining issues can occur within 90 days and therefore, we are able to grant a 90-day extension. Approval of the extension is effective as of this writing, which is April 25, 2013.

Extension of the rezoning case will allow time to discuss and receive approval from TXDoT regarding driveway access issues with the adjacent church and senior living properties, and also draft language for a provision that requires City review of underground storage tanks to Edwards Aquifer Recharge Zone standards in a public Restrictive Covenant. Staff will mail out notice for Second / Third Readings of the rezoning case at time the case is scheduled for City Council, and the Applicant will be responsible for payment of the renotification fee then.

If you have any questions or need additional assistance, please contact me at (512) 974-3207.

Sincerely,

Jerry Rusthoven, AICP
Manager, Zoning, Historic Preservation and Annexation Divisions
Planning and Development Review Department

cc: Wendy Rhoades, Zoning Case Manager
Maureen Meredith, Neighborhood Plan Amendment Case Manager

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0146 – Oak Hill Heights Commercial

P.C. DATE: January 10, 2012

ADDRESS: 7401 West US Hwy 290

OWNER/APPLICANT: Jimmy Nassour

AGENT: Alice Glasco Consulting (Alice Glasco)

ZONING FROM: LO-NP

TO: GR-CO-NP

AMENDED TO: LR-CO-NP, with CO prohibiting service station use

AREA: 2.346 acres (102,191 ft²)

SUMMARY STAFF RECOMMENDATION: Staff supports an alternate recommendation of LR-CO-NP (Neighborhood Commercial – Conditional Overlay – Neighborhood Plan) combining district zoning. The conditional overlay will prohibit service station use on the property.

PLANNING COMMISSION RECOMMENDATION: 1/10/11- The Planning Commission approved the staff recommendation of LR-CO-NP (Neighborhood Commercial – Conditional Overlay – Neighborhood Plan) combining district zoning (7-1; J. Stevens – nay; M. Dealey – absent).

CITY COUNCIL 1st READING: 2/9/12- The City Council approved the applicants request for community commercial – conditional overlay – neighborhood plan (GR-CO-NP) combining district zoning on 1st reading (Vote: 4-3, Council Members Morrison, Tovo, Riley – nay).

DEPARTMENT COMMENTS: This 2.346 acre property is currently zoned LO-NP and is undeveloped. The applicant has requested to rezone the property to a general commercial (GR) district zoning category for a proposed commercial development that would include financial services, general retail sales and restaurant uses. Staff feels that based on the location of the property in the Barton Springs Zone and adjacent to residential areas, a zoning category of neighborhood commercial (LR) district zoning is more appropriate for this property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-NP	Undeveloped
<i>North</i>	MF-2-NP	Multifamily
<i>South</i>	LO-CO-NP, GR-CO-NP	Church, Assisted Living
<i>East</i>	LO-CO-NP	Church
<i>West</i>	GO-NP	Undeveloped, Secondary Educational Facility

NEIGHBORHOOD PLAN: Oak Hill Combined Neighborhood Plan (West Oak Hill)

TIA: Waived

WATERSHED: Williamson Creek/Barton Springs Zone

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Oak Hill Association of Neighborhoods
Covered Bridge Property Owners Association
Wynnrock Area Neighborhood Association
Circle C Neighborhood Association
Oak Hill Trails Association

CASE HISTORIES

NUMBER	REQUEST	COMMISSION	COUNCIL
C14-99-2101	I-RR to RR	1/18/00 - Approved staff recommendation of RR (7-2; BB/GW-NAY)	2/17/00 - Approved PC recommendation of RR, (7-0)
C14-2008-0125	West Oak Hill Neighborhood Plan Combining District zoning ordinance	7/18/2008 – Approved with conditions	12/16/08 - Approved Ord. 20081211-097 (7-0)

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.

Neighborhood Commercial (LR) district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood.

2. *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.*

This property will have access to a major arterial US highway (290) and is adjacent to a collector roadway classification (Convict Hill Road).

EXISTING CONDITIONS

Environmental

This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek Watershed and 25% impervious cover in the Contributing zone. This tract lies in the Contributing Zone.

According to flood plain maps, there is no flood plain within the project location.

The site is located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous 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 providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

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

Water and Wastewater

If 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

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.

Transportation:

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
West US 290 Highway	Varies	Varies	Arterial	40,000 (TxDOT, 2010)
Convict Hill Road	80'	41'	Collector	8,300 (TxDOT, 2010)

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

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 less than 2,000 vehicle trips per day [LDC, 25-6-117].

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo [LDC, Sec. 25-6-114].

There are no existing sidewalks along West US 290 Highway or Convict Hill Road.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
West US 290 Highway	Shared Lane	Wide Shoulder & Multi-use Path
Convict Hill Road	Wide Curb	Bike Lane

Capital Metro bus service (route no(s). 333) is/are available along West US 290 Highway.

Site Plan:

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

The site is subject to compatibility standards. Along the south and southeast property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted

In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted

CITY COUNCIL DATE: February 9, 2012

ACTION: Approved GR-CO-NP on First Reading. Direction was given to staff to come back with a restrictive covenant in the event underground storage tanks associated with a gas station is placed on this site in the future so they would have to adhere to the recharge zone requirements rather than the contributing zone requirements. (4-3, Council Members Morrison, Tovo, Riley – nay).

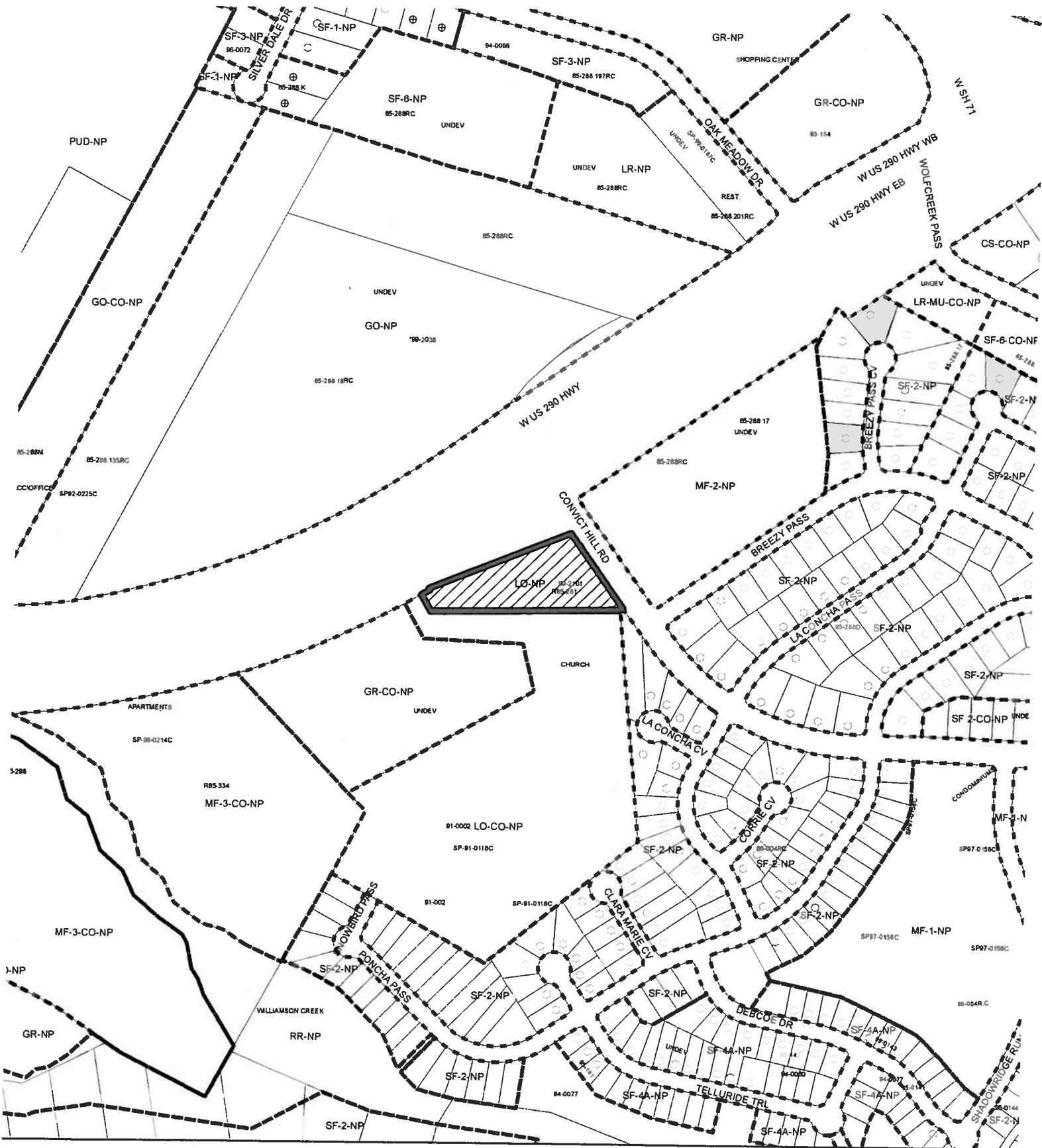
March 21, 2013

ORDINANCE READINGS: 1st February 9, 2012 2nd 3rd

ORDINANCE NUMBER:




CASE MANAGER: Wendy Rhoades

PHONE: 974-7719
wendy.rhoades@austintexas.gov



ZONING

ZONING CASE#: C14-2011-0146

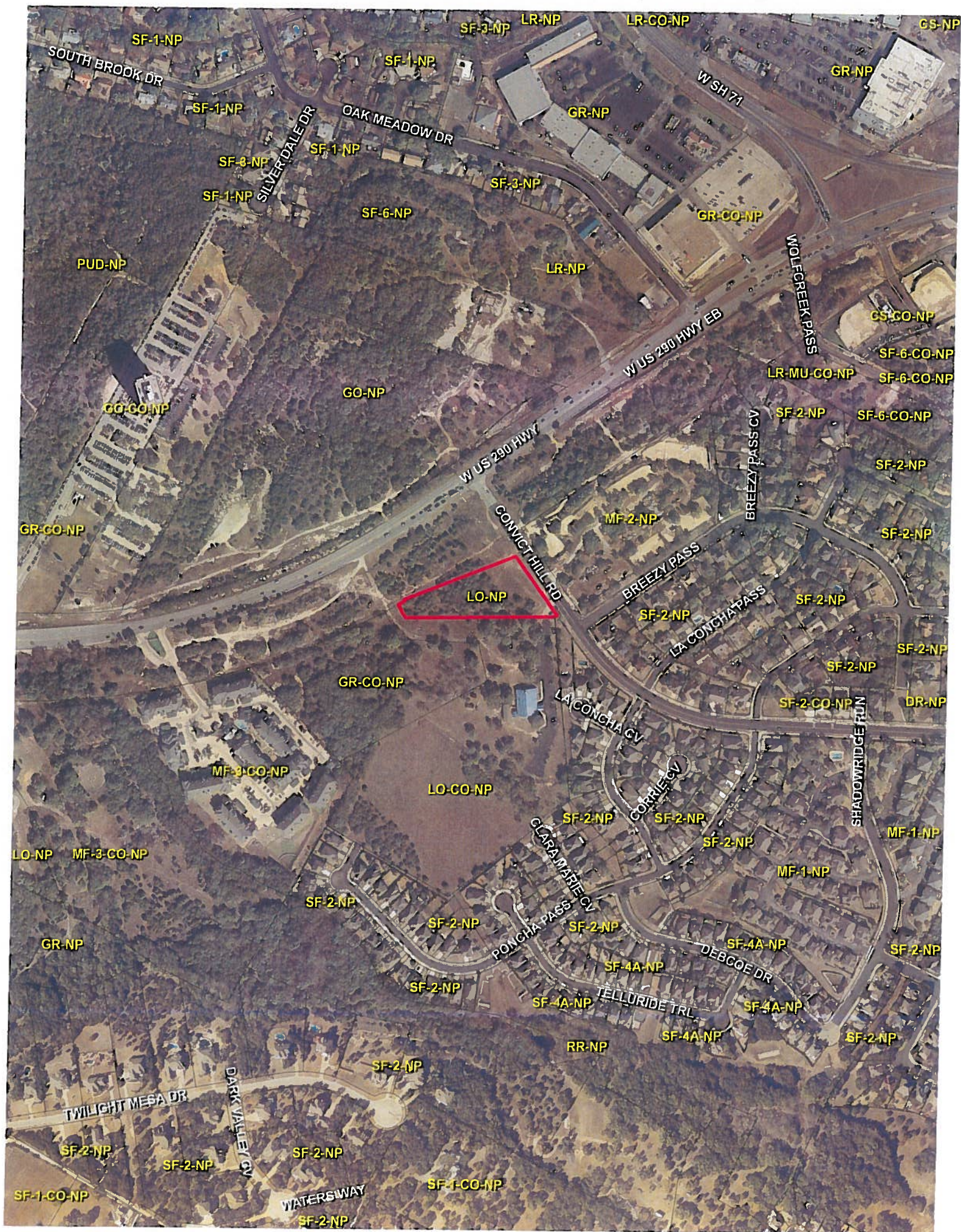
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 400'



PRELIMINARY SITE PLAN

[illegible]

LANDUSE	GROSS	PARKING RATIO	PARKING	
			REQUIRED	PROVIDED
RETAIL	7,513 sf	1:275	27 spaces	27 spaces
CONVENIENCE	3,500 sf	1:275	13 spaces	13 spaces
BANK	4,000 sf	1:275	15 spaces	15 spaces
			6 CARS/LANE @ 200 FT/LANE	

LANDUSE	GROSS	PARKING RATIO	REQUIRED	PROVIDED
RETAIL	7,513 sf	1.275	27 spaces	27 spaces
COMMERCIAL	3,500 sf	1.275	13 spaces	13 spaces
BANK	4,000 sf	1.275	15 spaces	16 spaces
DRIVE-THRU			6 QUIS/LANE	6 QUIS/LANE

Alice Glasco Consulting

5117 Valburn Court, Suite A
Austin, TX 78731
aliceglasco@mindspring.com
512-231-8110 • 512-857-0187 Fax

October 26, 2011

Greg Guernsey, Director
Planning and Development Review Department
505 Barton Spring Road, Suite 500
Austin, Texas 78704

RE: Rezoning of ^{7401 US 290 W} 7009 Convict Hill Road

Dear Greg:

I represent the owner of 7009 Convict Hill Road. The site, which comprises 2.346 acres is undeveloped, zoned LO-NP, and is designated as office on the Future Land Use Map (FLUM) under the West Oak Hill Neighborhood Plan. My client intends to develop the site with commercial/retail uses that serve the neighborhood. Therefore, I am requesting an amendment to the FLUM from Office to Commercial and rezoning from LO-NP to GR-NP.

Justification for Plan Amendment

The plan amendment request is consistent with the following goals, objectives and recommendations:

CHAPTER 6: LAND USE AND DEVELOPMENT

6. A. Provide opportunities for high-quality new development and redevelopment.

6A.1 Ensure quality of new construction and renovations.

6. A.1a-Bring back businesses that have left the Oak Hill area (example: loss of Albertson's store).

6A.1b-Businesses that redevelop should meet Development Code standards and should meet the goals and objectives of the Oak Hill Combined Plan.

6A.1c-Find ways to attract quality development in Oak Hill, such as Escarpment Village. Development should be innovative, mixed use, walkable, and transit oriented.

6. B. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment.

6. B.1 Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land.

6. B.1a -Rework zoning to allow/support the vision of the Oak Hill Neighborhood Plan.

6. B.1b-Cluster higher density development in appropriate areas, striving to balance the interests of all stakeholders while taking into consideration environmental concerns.

6. B.2: Provide business and residential expansion without creating urban sprawl.

6. B.2a-Provide support of targeted development, which are areas with existing infrastructure at commercial nodes.

6. C. Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial “nodes” (concentrated activity areas) at strategic locations.

6. E. Encourage locally-owned businesses to locate in the Oak Hill area and find ways for local businesses and employers to prosper.

6. E. 1: Oak Hill stakeholders desire more small-scale businesses with less strip commercial establishments.

6. E.1a-Explore opportunities to replace anchor tenants with new tenants who can attract customers to support local small businesses.

6. E.1c-Create a small business incubator for the Oak Hill area, to help foster the creation of locally-owned and operated businesses in the planning area.

6. E.1d-Find ways to attract businesses that will enhance services available to the community.

Greg Guernsey, Director
Rezoning of 7009 Convict Hill Road
Page 3 of 3 7401 US 290W

Justification for GR Zoning

City code section: 25-2-98 defines GR Zoning as follows:

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 subject site is located on Highway 290 West and Convict Hill Road. The property to the west of the subject site is zoned GR-NP and so is the property at the intersection of Highway 290 West and FM1826. Additionally, GR zoning is consistent with the goals and objectives of the West Oak Neighborhood Plan and

Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco, President
AG Consulting

Cc: Jimmy Nassour
Steve Portnoy
Maureen Meredith, Neighborhood Planner
Stephen Rye, Zoning Planner

Attachments

Brian Reis, Chair
Stacy Engeling, Vice-Chair
Danielle Lepper, Secretary



Date: December 6, 2011

To: Maureen Meredith, Senior Planner
City of Austin, Planning & Development Review Department,
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: 7009 Convict Hill Road
Owner's Representative: Alice Glasco

On November 30, 2011, the Oak Hill Neighborhood Planning Contact Team (OHNPT) held a meeting in accordance with our bylaws to discuss the applicant's proposed future land use amendment for the property located at 7009 Convict Hill Road. The applicant has requested a **change in land use from Office to Commercial**. Several members of the contact team attended the community meeting held early that evening and heard the request.

The OHNPCT voted to support a change to the approved future land use map (FLUM) from Office to Commercial and the proposed zoning change from LO-NP to GR-NP with the following uses prohibited: automotive repair services, automotive rentals, automotive sales, automotive washing allowed as a secondary application only, bail bond services, custom manufacturing, pawn shop services, exterminating services, and outdoor entertainment.

Sincerely,

Brian Reis
Chair, OHNPCT

Cc: Stacie Engeling
Danielle Lepper

C:\Users\breis\Documents\ohnpct\11206_7009_Convict_Hill_Rd_FLUM_amend.doc

From: Arthur Colvin [arthurcolvin5@gmail.com]
Sent: Thursday, December 29, 2011 12:48 PM
To: Rye, Stephen
Cc: rob.satterfield@fbcoakhill.org
Subject: Case Number: C14-2011-0146
Mr. Rye:

My name is Arthur Colvin and I am the contact person for First Baptist Church of Oak Hill regarding property issues. The church is located adjacent to the property for Case No.: C14-2011-0146, scheduled to be heard by the Planning Commission on Jan. 10, 2012.

The church has a recorded access easement that crosses the easterly 60 feet of the subject property. The church has no objection in general to the Zone Change requested by the Owner of the subject property, however we do have specific interest in the type of establishment and site plan the owner has for the property.

The specific interest is that the establishment intended for the site is not grossly incompatible with the church and circulation of traffic on-site. The church's main entrance and sign are located on the easterly 60 feet of the subject property, the church would like to review any site plan for the site to insure the recorded easement is not adversely affected by circulation intended for the site and to insure that the establishment is not a bad reflection on the church access and entrance sign on the access easement.

Thank you for your time and assistance on this matter. My email address is arthurcolvin5@gmail.com and my cell phone number is (512) 348-2694.

Respectfully,
Arthur Colvin

PETITION

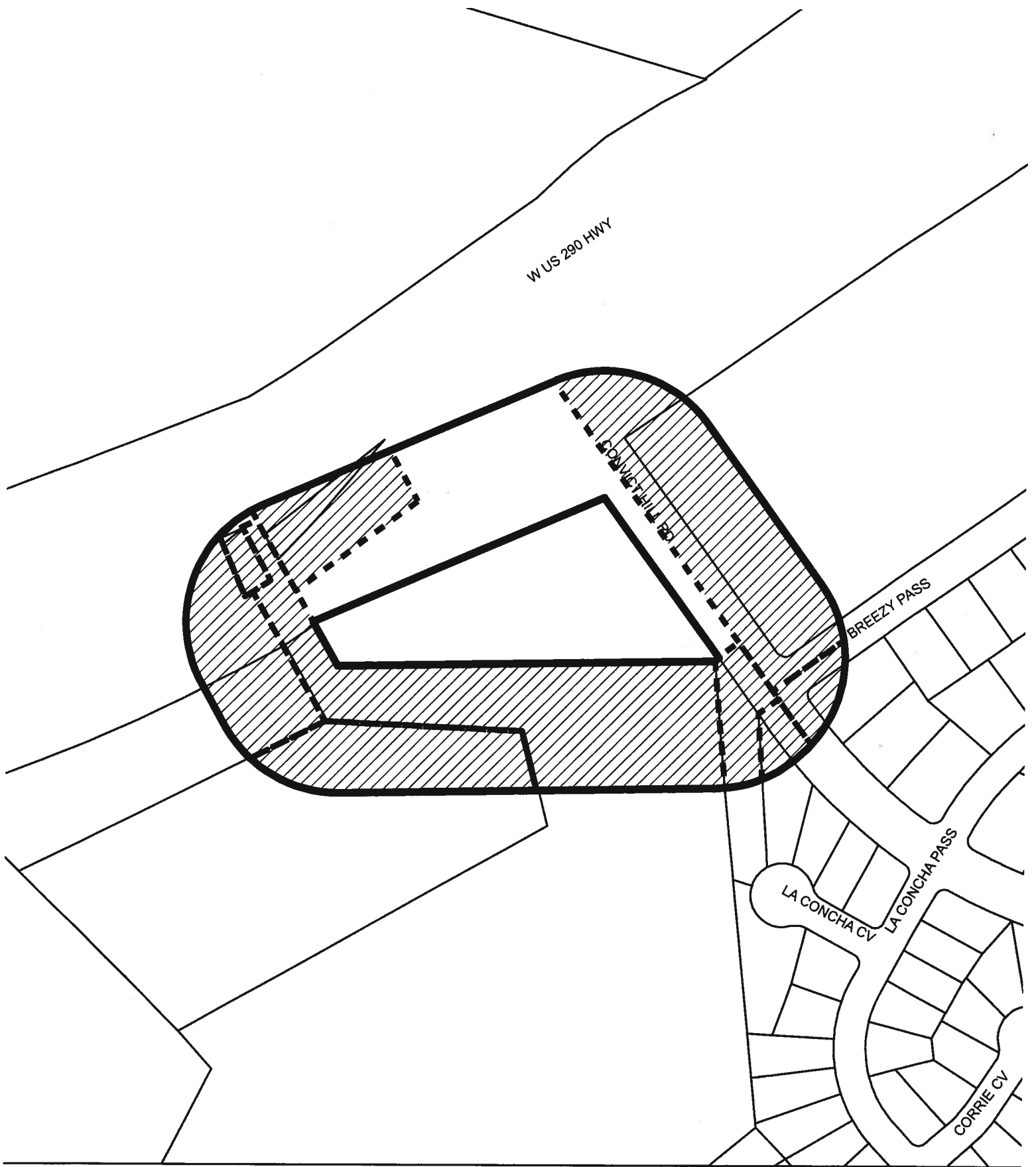
Case Number: **C14-2011-0146**




Date: 2/16/2012

Total Square Footage of Buffer:	423609.02
Percentage of Square Footage Owned by Petitioners Within Buffer:	24.73%



Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.



-  SUBJECT_TRACT
-  PROPERTY_OWNER
-  BUFFER

PETITION
CASE#: C14-2011-0146

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