

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14-05-0120 (RCA)
Parmer US 290

Z.A.P. DATE: June 18, 2013

OWNER: E290/Parmer, Ltd. (Andy Pastor) **ADDRESS:** 10104 E. U.S. Hwy. 290 WB

AGENT: Endeavor Real Estate Group (Dan Frey)

ZONING: CH-CO **AREA:** 9.109 Acres / 12.25 Acres

SUMMARY STAFF RECOMMENDATION:

Staff supports the proposed Restrictive Covenant Amendment (RCA). The RCA would allow the property that is the subject of rezoning case C14-2013-0054 to be incorporated into the Restrictive Covenant (RC) conditions of the adjacent property, which was zoned under City File C14-05-0120.

ZONING & PLATTING COMMISSION RECOMMENDATION:

June 18, 2013: *RECOMMENDED TO APPROVE GR-MU-CO AS RECOMMENDED BY STAFF, ON CONSENT AGENDA. (7-0-1; P. SEEGER- 1ST, R. MCDANIEL- 2ND; C. BANKS-ABSENT).*

DEPARTMENT COMMENTS:

The affected properties are located on the north side of US 290, east of SH 130 and west of Parmer Lane. Tract 1 is a 9.109 acre tract of land which was rezoned from DR to CH-CO in 2006 under City File C14-05-0120. That 2006 rezoning included a restrictive covenant that established Traffic Impact Analysis (TIA) limitations. Tract 2 is a 3.142 acre property that is being rezoned concurrent with this RCA request. Tract 2 is requesting CH-CO in 2006, and is proposing the same conditional overlay and restrictive covenant/TIA limitations as the subject property. If the proposed rezoning and RCA are approved, the two properties will have identical development conditions. The Applicant has prepared a TIA Determination Worksheet that includes both properties, and proposes a mix of commercial land uses —fast food restaurant, drive through bank, hotel, service station and convenience store. Please see attached zoning map, aerial map, zoning ordinance, restrictive covenant, TIA memorandum and TIA Worksheet (Exhibits A, B, C, D, E and F). The proposed RCA would result in two tracts of land encumbered by TIA limitations that previously applied to only one tract. Consequently, the potential traffic generation and development intensity will be reduced.

Undeveloped property to the northwest is part of the Harris Branch PUD. The base zoning category for the 33.32 acre PUD tract immediately adjacent to the subject tract is CH. To the south, across US 290, is more undeveloped property, including unzoned land that is in the ETJ. The property within the City limits is part of the Wildhorse PUD. The 102.8 acre portion of the PUD closest to the subject property is designated "Commercial High Rise Industrial Park," which is not a City of Austin zoning classification. The development standards of the PUD resemble a hybrid of CH and IP zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped
<i>North</i>	PUD	Undeveloped
<i>South</i>	PUD	Undeveloped
<i>East</i>	CH-CO	Undeveloped
<i>West</i>	PUD	Undeveloped

AREA STUDY: N / A**TIA:** N/A**WATERSHED:** Gilleland**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**SCHOOLS:** Manor ISD**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0120	DR to CH-CO	1/17/06: ZAP approved on consent staff rec. of CH w/ conditions: 90' max height, prohibit Adult Oriented Businesses, Campground, Commercial Blood Plasma Center, Drop-off Recycling Collection Facility, Pawn Shop Services, Vehicle Storage, Guidance Services, Residential Treatment, and Transitional Housing uses. (9-0)	2/16/06: Approved all 3 readings as recommended
Wildhorse PUD C814-00-2063 ETJ	Unzoned to PUD	11/27/01: ZAP approved staff rec. of PUD w/ conditions. (8-0)	12/6/01: APVD PUD (6-1, WYNN-NO); 2/7/02: APVD PUD (6-1, WW-NO) DELETING ECON. INCENTIVES & WATER EXTENSION FROM ORD.; 2/14/02: APVD PUD (5-1, WW-NO) PER STAFF REC
Harris Branch PUD C814-90-0003	7/8/91: DR to PUD	7/29/91: Administrative approval; 12/11/90: PC approved PUD w/ conditions (6-0-1, WB abstain)	12/13/90: Approved all 3 readings (5-0)

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
US 290	500+	FWY 6	FWY	No	No	Yes

CITY COUNCIL DATE: June 27, 2013:**ACTION:****ORDINANCE READINGS:****ORDINANCE NUMBER:**

CASE MANAGER: Heather Chaffin
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SUMMARY STAFF RECOMMENDATION:

Staff supports the proposed Restrictive Covenant Amendment (RCA). Since the proposed RCA would result in two tracts of land encumbered by TIA limitations that previously applied to only one tract, there will be less traffic generation. The Applicant has demonstrated that the proposed commercial development on the two tracts would be achievable under the existing TIA, and any detailed access issues would be reviewed at site development stage.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. . Zoning changes should promote an orderly and compatible relationship among land uses.

By amending the restrictive covenant and approving the associated rezoning case, these two tracts will be well suited for development that fits the character and intensity of the area. The tracts will also easily be able to join for unified development, further easing development.