

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0054
Parmer US 290 Retail

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

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

AGENT: Endeavor Real Estate Group (Dan Frey)

ZONING FROM: DR **TO:** CH-CO **AREA:** 3.142 Acres

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request of commercial highway-conditional overlay (CH-CO) combining district zoning. The recommended conditional overlay would prohibit the following land uses: 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. Building height would be limited to 90 feet. The subject property will also be subject to a restrictive covenant and Traffic Impact Analysis (TIA) that are being amended concurrent with this rezoning request.

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 subject property is located on the north side of US 290, east of SH 130 and west of Parmer Lane. The 3.142 acre property is zoned DR, and is undeveloped. The property immediately to the east of the subject property is owned by the same owners, and is zoned CH-CO. The 9.109 acre tract of land was zoned CH-CO in 2006, with the same conditional overlay and restrictive covenant/TIA limitations that are proposed for the subject property. If the proposed rezoning is 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, restrictive covenant, and TIA worksheet (Exhibits A, B, C, and D).

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 (Exhibit E). 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, County	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
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request of commercial highway-conditional overlay (CH-CO) combining district zoning. The recommended conditional overlay would prohibit the following land uses: 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. The subject property will also be subject to a restrictive covenant and Traffic Impact Analysis (TIA) that are being amended concurrent with this rezoning request.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The Applicant proposes CH-CO zoning to allow redevelopment with uses that are suitable for highway corridors like US 290—fast food restaurant, drive through bank, hotel, service station and convenience store.

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

The proposed CH-CO will match the adjacent 9.109 acre tract of land, allowing the two properties to be developed as a 12.25 acre cohesive development. The rezoning will also match the base zoning category used for the adjacent Harris Branch PUD and the nearby Wildhorse PUD.

EXISTING CONDITIONS**Site Characteristics**

The subject property is currently undeveloped, and generally flat and featureless.

Impervious Cover

For this property, watershed regulations supersede zoning regulation regarding impervious cover. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<u>Development Classification</u>	<u>% of Net Site Area</u>	<u>% with Transfers</u>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Gilleland Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.
2. According to flood plain maps there is no flood plain within or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. 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.

5. 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.

6. 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.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. This site does not currently appear to be triggering compatibility requirements.

Transportation

TR1. No additional right-of-way is needed at this time.

TR2. TXDOT approval of driveway access points will required at time of site development.