

ZONING CHANGE REVIEW SHEET

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CASE: C14-2015-0005 – 8060 West U.S. 290 Highway **P.C. DATE:** April 14, 2015
April 28, 2015

ADDRESS: 8060 West U.S. 290 Highway

DISTRICT AREA: 8

OWNERS/APPLICANTS: George Wilhelm Rodenbusch; Cora Shuler Rodenbusch

ZONING FROM: LO-NP **TO:** LR-MU-NP **AREA:** 2.28 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning. The Conditional Overlay 1) prohibits service station and 2) limits the number of vehicle trips to 2,000 per day.

PLANNING COMMISSION RECOMMENDATION:

April 14, 2015: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO APRIL 28, 2015, BY CONSENT*

[N. ZARAGOSA; R. HATFIELD – 2ND] (8-0) A. HERNANDEZ – ABSENT

April 28, 2015:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The rezoning area is unplatted and contains a single family residence and is located on westbound U.S. Highway 290, and has limited office – neighborhood plan (LO-NP) district zoning. There are single family residences and construction sales and services across Hudson Loop to the north (CS-MU-CO-NP), a construction sales and services business adjacent to the east (CS-CO-NP), and a single family residence to the west (LO-NP). To the south across U.S. 290 there is a single family residential neighborhood with a rural character and a hospital services use (County; GO-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant requests neighborhood commercial – mixed use – neighborhood plan (LR-MU-NP) district zoning as the first step in developing the tract and is interested in a mix of uses, including retail, office and residential. Staff recommends the Applicant's request based on the following considerations: 1) access is taken to a major arterial roadway; 2) it is

compatible with the commercial zoning pattern and land use character established along this segment of the US 290 in proximity to its intersection with FM 1826; 3) office and retail uses would be available capture "pass by" traffic from nearby residential developments; and 4) the Conditional Overlay prohibits service station, and calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-NP	One single family residence
<i>North</i>	RR-NP; CS-NP; CS-MU-CO-NP;	Construction sales and services (plumbing and air conditioning businesses); Single family residences
<i>South</i>	County; GO-NP	Single family residences; Hospital services (general)
<i>East</i>	CS-CO-NP	Construction sales and services (air conditioning and landscaping business)
<i>West</i>	LO-NP	Single family residence

NEIGHBORHOOD PLAN AREA: Oak Hill Combined
(West Oak Hill)

TIA: Is not required

WATERSHED: Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No
Barton Springs Zone – Contributing Zone

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhoods (OHAN)
 641 – Granada Homeowners Association 742 – Austin Independent School District
 766 – South Windmill Run Neighborhood Association
 779 – Oak Hill Neighborhood Plan – COA Liaison
 943 – Save Our Springs Alliance 1166 – Oak Hill Neighborhood Plan Contact Team
 1228 – Sierra Club, Austin Regional Group 1340 – Austin Heritage Tree Foundation
 1343 – Oak Hill Trails Association 1363 – SEL Texas

SCHOOLS:

Oak Hill Elementary School

Small Middle School

Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0237 – 0.49 acres on Hudson Loop –	I-RR-NP to CS- MU-CO-NP	To Grant CS-MU-CO- NP with the CO for list of prohibited and	Apvd CS-MU-CO-NP as Commission recommended (01-29-

7810-7816 Hudson Loop (City initiated)		conditional uses, and height limit of 2 stories/35'	2009).
C14-05-0219 – Seton Southwest – 7900 FM 1826 Road	I-RR to GO	To Grant GO w/ Restrictive Covenant for the Traffic Impact Analysis	Apvd GO w/RC as Commission recommended and a Traffic Phasing Agreement (07-27-2006).
C14-96-0146 – Fowler Zoning Change – 8036 U.S. Hwy 290	I-RR to CS	To Grant CS-CO w/CO for 2,000 trips/day, list of prohibited uses and provisions for r-o-w dedication on Hudson Loop	Apvd CS-CO (12-03-1998).
C14-85-288.156 – Oak Hill Area Study (Carolyn Sue & Joe Jackson) – 7800 Hudson Loop	I-RR to CS	To Grant	Apvd CS w/RC for existing home; 6' fence/buffer; list of permitted&conditional commercial, industrial and civic uses, max. 2 stories/35'; compatibility standards; Williamson Creek Watershed regulations (07-30-1987).
C14-85-288.153 – Oak Hill Area Study (B.J. and Pearl Bartley) – 7900 Hudson Loop	I-RR to CS	To Grant	Apvd CS w/RC for existing home; 6' fence/buffer; list of permitted&conditional commercial, industrial and civic uses, max. 2 stories/35'; compatibility standards; Williamson Creek Watershed regulations (7-2-1987).
C14-85-288.86 – Oak Hill Area Study (David Brock) – 7909 Rosson Drive	I-RR to CS	To Grant	Apvd CS w/RC for 6' fence/buffer; 20' height limit; 30' buffer adjacent to residential; F.A.R. of 0.7 to 1; construction sales and service uses and an office, Williamson

			Creek Watershed regulations (2-19-1987).
C14-85-288.85A – Oak Hill Area Study – 8200-8249 Block of W US Hwy 290	I-RR to LO	To Grant	Apvd LO w/RC for 65% impervious cover, 1 curb cut on Rosson Rd, 0.25:1 FAR, joint access to U.S. 290, Williamson Creek Watershed regulations (02-25-1988).
C14-85-288.85B – Oak Hill Area Study (Part Haskell Hudson) – 8200-8240 W US Hwy 290	I-RR to LO	To Grant	Apvd LO w/RC for 65% impervious cover, 1 curb cut on Rosson Rd, 0.25:1 FAR, joint access to U.S. 290, Williamson Creek Watershed regulations (05-05-1988).

RELATED CASES:

The subject property is within the boundaries of the Oak Hill Combined (West Oak Hill) Neighborhood Planning Area and is designated as Neighborhood Mixed Use on the adopted Future Land Use Map (NP-2008-0025). The property was approved for LO-NP combining district through the rezonings associated with the Oak Hill Neighborhood Plan (Tract 5 within C14-2008-0125 – Ordinance No. 20081211-097).

The property is considered a legal tract by way of a Land Status Determination approved on January 07, 2015 (C8I-2015-0009). Please refer to Exhibit B.

There are no site plan cases on the subject property.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	ADT
US-290(W)	Varies	MAU-4	Major Arterial	34,000
Hudson Loop	70 feet	20 feet	Local	N/A

- US-290(W) is classified in the Bicycle Plan as Bike Route No. 950. Hudson Loop is not classified in the Bicycle Plan.
- Capital Metro bus service is not available along US-290(W) and Hudson Loop.
- There are no existing sidewalks along US-290(W) and Hudson Loop.

CITY COUNCIL DATE: May 14, 2015

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov




PHONE: 512-974-7719

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2015-0005

Exhibit A



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" = 200'



SF-2-NP

SF-2-NP

SF-2-NP

85-288

SF-1-NP

UNDEVELOPED

PUD-NP

99-2102

85-288

AIR
CONDITION
BUSINESS
OFFICE

85-288.153RC

CS-NP

PLUMBING
CO

RR-NP

99-2076

85-288.153RC

CS-MU-CO-NP

CS-NP

85-288.155RC

85-288.158RC

RR-NP

99-2102

85-288N

85-288.85ARC

85-288.85BRC

LO-NP

HUDSON LOOP

95-0145

VACANT
BLDG

CS-CO-NP

85-288.103ARC

85-288.103BRC

GR-CO-NP

UNDEV

92-0012

W US 290 HWY

GO-NP

07A-04-026

05-0219

EXHIBIT A

NORTH



**Planning and Development Review
Land Status Determination
Legal Tract Platting Exception
Certification**

January 07, 2015

File Number: C8I-2015-0009

Address: 8060 W US 290 HWY

Tax Parcel I.D. #0410440203

Tax Map Date: 11/19/2013

The Planning and Development Review Department has determined that the property described below and **as shown on the attached tax map:**

Is a **LEGAL TRACT** consisting of **2.28 acres of land out of the Jesse Williams Survey No. 62 and the J.P. Johannesen Survey in Travis County, Texas, and being tract 1 and 2, created prior to Jul 9, 1970** (Grandfather Date) as evidenced by deed recorded in Volume **3649**, Page **1938** of the **Travis County Deed Records** on **Apr 24, 1969** being the same property as currently described in deed recorded in **Document #2014132584** of the **Travis County Deed Records** on **Sep 4, 2014** and is eligible to receive utility service.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**

Map Attachment

EXHIBIT B

C14
2015
0005**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning. The Conditional Overlay 1) prohibits service station and 2) limits the number of vehicle trips to 2,000 per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

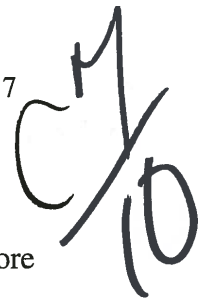
The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: “The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.” The MU, Mixed Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. *The property has access to the westbound frontage road of US 290, a major arterial roadway.*

2. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways.

Staff recommends the Applicant’s request based on the following considerations: 1) access is taken to a major arterial roadway; 2) it is compatible with the commercial zoning pattern and land use character established along this segment of the US 290 in proximity to its intersection with FM 1826; 3) office and retail uses would be available capture “pass by” traffic from nearby residential developments; and 4) the Conditional Overlay prohibits service station, and calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS**Site Characteristics**

The subject property contains one single family residence, is heavily vegetated and is relatively flat.



Impervious Cover

The maximum impervious cover allowed by the LR base district is 25%, based on the more restrictive *watershed* regulations.

Comprehensive Planning

This zoning case is located on the north side of West US 290, situated along a double frontage lot (Hudson Loop), which is heavily wooded and is located within the boundaries of the Oak Hill Combined Neighborhood Plan (OHCNP). This property is approximately 2.3 acres in size and contains a house. The property is surrounded by single family housing to the north, an air conditioning and landscaping company to the east and a residence to the west. The proposed use is mixed use.

Oak Hill Combined Neighborhood Plan

The OHCNPA Future Land Use Map (FLUM) classifies this property as 'Neighborhood Mixed Use;' and LR-MU zoning is permitted under this FLUM category. Neighborhood Mixed Use is an appropriate for a mix of neighborhood commercial (small scale retail or offices, professional services, convenience retail, and shop front retail that serves a market at a neighborhood scale) and *small to medium-density residential uses*. The following text, goals, objectives and recommendations are taken from the OHCNP:

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

Objective 6A.1: Ensure quality of new construction and renovations. (p 66)

Goal 6.B. - Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 66)

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

Goal 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) (p 67)

Goal 6.E: Encourage locally-owned businesses to locate in the Oak Hill area and find ways for local businesses and employers to prosper. (p 67)

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

Goal 9.B. Enhance the Hill Country look of Oak Hill by preserving trees

Objective 9.B.1 The City Council should consider the application of the Hill Country Roadway Ordinance **on U.S. Highway 290** and State Highway 71 and other roadways within the Oak Hill neighborhood planning area to control signage, limit heights, plant trees, and to preserve the natural beauty of the environment.

Goal 9.C. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 140)

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Objective 9.C.1 - Ensure that the environmental impact on the Edwards Aquifer and the existing natural landscape is kept at a minimum by new commercial development and redevelopment in Oak Hill.

Conclusion:

The Oak Hill Combined Neighborhood Plan Future Land Use Map designates this portion of US 290 as Neighborhood Mixed Use, and the policies and text above seems to support providing more local businesses, mixed use and residential uses like this project, as long as they are high quality developments and small in scale. The property is also located over environmentally sensitive land (the Barton Springs Contributing Zone) and any new commercial or residential development would have to ensure all environmental ordinances are enforced.

Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as being located just outside the boundaries of an '**Activity Center for Redevelopment (located) in an Environmentally Sensitive Area**' as identified on the Imagine Austin Growth Concept Map, found in the Image Austin Comprehensive Plan. This property is also situated within the boundaries of the Barton Springs (Aquifer) Contributing Zone, which is an area where runoff from precipitation flows to the recharge zone of an aquifer.

Based on the comparatively scale of the site relative to other nearby residential uses, the property being situated along a busy commercial thoroughfare, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning. However, due to the site's location in an environmentally sensitive area, there will be at the site planning stage if this property is ever redeveloped, an environmental review to determine if any critical environmental features are located on the site.

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 by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 25% impervious cover in the contributing zone.

According to floodplain maps there is no floodplain within or adjacent to 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.

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

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

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for US-290(W). TXDOT may request the reservation of additional right-of-way in accordance with the transportation plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55]. This issue will be revisited during the site plan stage.

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 may be required during the site plan stage [LDC, Sec. 25-6-114].

Water and Wastewater

FYI: The site is currently served with City of Austin water and on-site septic. No centralized sewer is currently available to this tract. If redeveloped the landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

Site Plan and Compatibility Standards

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

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The site is subject to compatibility standards. Along the east, west, and north 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.
- A landscape area at least 25 feet wide is required along 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.

FYI - This site is located in the West Oak Hill Neighborhood Plan. Please see the City's website <http://www.austintexas.gov/departments/neighborhood-planning> for a copy of the recommended design guidelines.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

<http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2015-0005

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: April 14, 2015, Planning Commission

May 14, 2015, City Council

Nancy FRAZIER

Your Name (please print)

8006 Acton Drive

Your address(es) affected by this application

Nancy Frazier

Signature

4-7-2015

Date

Daytime Telephone: 512 272-5742

Comments:

I oppose any commercialization of this family-oriented neighborhood.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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